

A BILL  
TO BE ENTITLED

AN ACT establishing the extraterritorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction, and regulation annexation by cities and towns both within and without such extraterritorial jurisdiction; invalidation certain annexations; providing for the disannexation of certain areas annexed by cities and towns after the effective date of this Act under certain conditions; ~~providing cities and towns having conflicting claims over annexed territory may seek a declaration of lawful jurisdiction over same under the Uniform Declaratory Judgments Act; amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that the provisions of this Act shall be cumulative of all laws and parts of laws relating to this subject; providing for severability; providing for exclusion of annexations in litigation; and declaring an emergency.~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) In order to promote and protect the general health, safety, and welfare of persons residing within and adjacent to the cities and towns of this State, the Legislature of the State of Texas declares it to be the policy of the State of Texas that the unincorporated area, not a part of any other city or town, which is contiguous to the perimeter of any city or town, to the extent described herein, shall comprise and be known as the

providing cities and towns having conflicting claims over annexed territory may seek a declaration of lawful jurisdiction over same under the Uniform Declaratory Judgments Act; amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that the provisions of this Act shall be cumulative of all laws and parts of laws relating to this subject; providing for severability; providing for exclusion of annexations in litigation; and declaring an emergency.

providing that the act shall not require an effort certain laws not going to the territory;

extraterritorial jurisdiction of such city or town. The extent in area of the extraterritorial jurisdiction of the various classes of cities and towns in the State shall be as follows:

(1) The extraterritorial jurisdiction of any city or town having a population of less than five thousand (5,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, one-half (1/2) mile in distance beyond the perimeter of such city or town.

(2) The extraterritorial jurisdiction of any city or town having a population of from five thousand (5,000) to twenty-five thousand (25,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, one (1) mile in distance beyond the perimeter of such city or town.

(3) The extraterritorial jurisdiction of any city or town having a population of from twenty-five thousand and one (25,001) to fifty thousand (50,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, two (2) miles in distance beyond the perimeter of such city or town.

(4) The extraterritorial jurisdiction of any city or town having a population of from fifty thousand and one (50,001) to one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area not a part of any other city or town, three and one-half (3-1/2) miles in distance beyond the perimeter of such city or town.

(5) The extraterritorial jurisdiction of any city or town having a population of over one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, shall extend to and consist of the contiguous unincorporated area, not a part of any other city or town, five (5) miles in distance beyond the perimeter of such city or town.

(b) In the event that on the effective date of this Act, the area under extraterritorial jurisdiction of a city or town overlaps the area under extraterritorial jurisdiction of one or more other cities or towns, jurisdiction in the area so overlapped shall be apportioned by the mutual agreement of the governing bodies of the cities and towns concerned. Such agreement shall be in writing and shall be approved, by ordinance or resolution, by such governing bodies. Should the governing bodies of such cities and towns be unable to reach an agreement concerning the apportionment of the overlapping area in question within six (6) months, such area shall then be apportioned among such cities and towns in the same ratio as the respective populations, according to the last preceding Federal Census, of the cities and towns concerned bear to one another; however, if the population ratio between the cities and towns exceeds ten (10) to one (1), in such apportionment the extraterritorial jurisdiction of the smaller city or town shall not be reduced to less than one-fourth ( $1/4$ ) mile in distance from the perimeter of such smaller city or town, unless such one-fourth ( $1/4$ ) mile distance would extend beyond and include more than one-tenth ( $1/10$ ) of the total overlapping area, in which event ten per cent (10%) of the total overlapping area, shall be apportioned to the smaller city or town. Such apportionment according to these

rules shall be in writing and shall be approved, by ordinance or resolution, by the governing bodies of such cities and towns. In the event the governing bodies of the cities and towns concerned cannot reach an agreement on apportionment of overlapping territory consistent with the rules set out herein, one or more of the cities and towns may request the district judge in the judicial district involved or, in the event that more than one judicial district is involved, the senior district judge in the district having the smaller number, to appoint three (3) arbitrators to apportion such overlapping territory. Such apportionment by such arbitrators shall be in a manner consistent with and in accordance to the rules set out herein. The arbitrators' findings of apportionment shall be reduced to writing and filed with the city or town secretary of the cities and towns concerned.

(c) Once established as provided in Section 1(a) and (b), the area under the extraterritorial jurisdiction of a city or town may never, without the consent of the governing body of such city or town, be diminished due to the extension of the territorial limits or extraterritorial jurisdiction of any other city or town. However, the area under the extraterritorial jurisdiction of a city or town may be expanded beyond the distance limitations imposed by Section 1(a) of this Act to include therein any land contiguous to the otherwise extraterritorial jurisdiction of such city or town, provided that the owner or owners of such land request such expansion and provided that the same does not conflict with existing boundaries or extraterritorial jurisdiction of another city or town.

(d) When a city or town shall annex additional territory, the extraterritorial jurisdiction of such city or town shall expand in conformity with such additional annexation and shall comprise an area around the new boundaries of the city or town consisting of the same area as set out in Section 1(a) hereof, as if such city or town had included the additional annexed area at the time this Act became effective. Provided, however, that such expansion shall occur only to the extent that the expanded extraterritorial jurisdiction does not conflict with existing boundaries or extraterritorial jurisdiction of another city or town, which latter shall remain unaffected by such expansion.

(e) No city or town shall impose or collect any tax in the area under the extraterritorial jurisdiction of such city or town as long as it remains in such status.

(f) The extraterritorial jurisdiction defined in Section 1(a) and (b) hereof shall be that territory within which a city or town may exercise extraterritorial jurisdiction, but it shall not be mandatory upon a city or town to extend its powers and authority as hereinafter described in Sections 2(a), (b), and (c), to the full extent of its potential jurisdiction; and, before any such powers or authority shall be exercised in any territory within such extraterritorial jurisdiction, the governing body of the city or town shall define by ordinance the extraterritorial area over which such powers and authority are to be applied. It shall then cause to be prepared a map or plat, together with a description of such area, describing such extraterritorial area, and such map or

plat, together with such description, shall be published in a newspaper having general circulation within the county or counties involved once weekly for four (4) consecutive weeks before such city or town exercises its powers and authority under this Act within such extraterritorial area.

Sec. 2 (a) The governing body of any city or town may, by ordinance, extend to all of the extraterritorial jurisdiction defined under the authority of Section 1(f) of this Act, the application of one or more of such city or town's ordinances relating to: health; sanitation; subdivision development; zoning; building construction, including but not limited to building, plumbing and electrical standards and regulations. In such event, such city or town shall have full power and authority to secure compliance with the provisions of such ordinance or ordinances made applicable within the area under its extraterritorial jurisdiction in such court or courts as would ordinarily have jurisdiction over such matters. It is specifically provided, however, that cities and towns shall have no authority to grant or deny the right of franchise to any public utility within such extraterritorial jurisdiction so long as it remains in such status.

(b) Any city or town, acting under authority of Section 2(a) hereof extending application of such an ordinance or ordinances to territory within the area under its extraterritorial jurisdiction shall have the rights to impose in such area such fees as are provided in such ordinance or ordinances. In no case, however, shall the fees imposed by such ordinance or ordinances within the area under the extraterritorial jurisdiction of a city or town exceed those charged within the territorial limits of such city or town.

(c) All nonresident structures used for agricultural purposes, located in the area under the extraterritorial jurisdiction of a city or town, shall be exempt from the provisions of any ordinance or ordinances relating to: building construction, plumbing, or electrical standards, made applicable in such extraterritorial jurisdiction.

(d) The governing body of any city or town shall have the right, power, and authority to designate any part of the area located in its extraterritorial jurisdiction as an industrial district, as the term is customarily used, and to treat with such area from time to time as such governing body may deem to be in the best interest of the city or town. Included in such rights and powers of the governing body of any city or town, is the permissive right and power to enter into contracts or agreements with the owner or owners of land in such industrial district to guarantee the continuation of the extraterritorial status of such districts, and/or its immunity from annexation by the city or town for a period of time not to exceed seven (7) years, and upon such other terms and considerations as the parties might deem appropriate. Such contracts or agreements shall be evidenced in writing and may be renewed or extended for successive periods not to exceed seven (7) years each by such governing body and the owner or owners of land in such industrial district. Existing contracts or agreements of such nature, recognized in or evidenced by an ordinance or resolution of the governing body of the contracting town or city, are hereby in all respects validated as of the date they were made, for the extent of their term or for seven (7) years from the date made, whichever is shorter.

Sec. 3. Any territory within the extraterritorial area defined by the governing body of a city or town under the provisions of Section 1(f) hereof, which territory adjoins and is contiguous to the corporate boundaries of the city or town involved, shall be annexed by the city or town upon petition of a majority of the qualified voters residing in such territory, where there are three (3) or more such qualified voters, and of the owners of fifty per cent (50%) or more of the acreage in the territory. If there are less than three (3) qualified voters residing in such territory, then the petition for the annexation shall be by the owners of fifty per cent (50%) or more of the acreage in the territory.

Sec. 4. A city or town may annex territory only within the confines of its extraterritorial jurisdiction, as defined in Sections 1(a) and (b) hereof. Provided, however, this restriction shall not apply to the annexation of an area outside, but contiguous to, the boundaries of the extraterritorial jurisdiction of a city or town, when such city or town owns such area, or when such annexation is requested by a petition of a majority of the qualified voters residing in such territory, where there are three (3) or more such qualified voters, and by the owners of fifty per cent (50%) or more of the acreage in the territory. If there are less than three (3) qualified voters residing in such territory, then the petition for annexation shall be by the owners of fifty per cent (50%) or more of the acreage in such territory. Under no circumstances, however, may a city or town annex territory which lies within the extraterritorial jurisdiction of any



other city or town without the express written consent of the governing body of such other city or town.

Sec. 5. (a) A city or town may annex in any one (1) calendar year, only territory equivalent in size to ten per cent (10%) of the total area of such city or town as of the first day of that calendar year. In computing the total amount of territory which may be annexed in any one (1) calendar year, there shall be excluded from such calculation: (1) territory annexed at the request of a majority of the qualified voters residing in such territory; (2) territory annexed at the request of the owner or owners thereof; and (3) territory annexed which is owned by the city or town, the county, the State, or the Federal Government which is used for a public purpose.

(b) In the event a city or town fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in a subsequent calendar year or years. Under no circumstances, however, may a city or town, utilizing the power granted under this Subsection, annex in any one (1) calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of that calendar year.

Sec. 6. (a) No city, town or village may be incorporated within the area of the extraterritorial jurisdiction of any city or town, as defined by Sections 1(a) and (b) hereof, without the written consent, officially recorded, of the governing body of such

city or town. Should such governing body refuse to grant permission for the incorporation of such proposed city, town, or village, a majority of the qualified voters residing in such proposed city, town, or village and the owners of fifty per cent (50%) or more of the acreage in the proposed city, town, or village may petition the governing body of such city or town and request annexation by such city or town. Should the governing body of such city or town fail or refuse to annex the area of such proposed city, town, or village within six (6) months from the date of receipt of such petition, such failure or refusal shall constitute expressed authorization for the incorporation of such proposed city, town, or village insofar as the purposes of this Subsection are concerned. Should the area of a proposed city, town, or village lie partly within and partly without the extraterritorial jurisdiction of a city or town, the provisions of this Subsection shall apply only to the area which lies within the extraterritorial jurisdiction of such city or town.

(b) No political subdivision having as one of its primary purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services may be created within the area of the extraterritorial jurisdiction of any city or town, as defined by Sections 1(a) and (b) hereof, without the written consent, officially recorded, of the governing body of such city or town. Should the governing body of such city or town refuse to grant permission for the creation of such proposed political subdivision, a majority of the qualified voters residing

in such proposed political subdivision and a majority of the landowners, owning a majority of the land, in such proposed political subdivision may petition the governing body of such city or town and request annexation by such city or town. Should the governing body of such city or town fail or refuse to annex the area of such proposed political subdivision within six (6) months from the date of receipt of such petition, such failure or refusal shall constitute expressed authorization for the creation of such proposed political subdivision insofar as the provisions of this Subsection are concerned. Should the area of a proposed subdivision which has as one of its primary purposes the supplying of fresh water for domestic or commercial uses, or the furnishing of sanitary sewer services, lie partly within and partly without the extraterritorial jurisdiction of a city or town, the provisions of this Subsection shall apply only to the area which lies within the extraterritorial jurisdiction of such city or town.

Sec. 7. (a) The governing body of any city or town proposing to annex any area to such city or town must give at least thirty (30) days notice of its intention to annex such area. Such notice shall be printed in a newspaper or newspapers having general circulation in such city or town and in the area proposed to be annexed. The governing body shall also provide an opportunity for all interested residents of such city or town and persons living in or owning property in the area proposed to be annexed to be heard at a public hearing to be held within such thirty-day period. Notice of such public hearing shall be included within the notice of intention to annex and shall be given at least ten (10) days

prior to the date of such public hearing. Annexation of an area by a city or town must be brought to legal completion within ninety (90) days of the date on which the governing body of such city or town signifies its intention to annex the area. Should an annexation fail to be completed legally within this period of time, the proposed annexation shall be null and void.

(b) All incompleated annexation proceedings by cities and towns pending on January 8, 1963, are invalidated unless said proceedings meet the limitations as to size and extent of area imposed by Section 5 of this Act or unless such proceedings are completed on or before the date this Act is signed by the Governor of Texas. All annexation proceedings pending on January 8, 1963, and which meet the limitations as to size and extent of area imposed by Section 5 of this Act must be brought to completion within six (6) months of such date; failure to complete a pending annexation within such period of time shall render such proposed annexation void. All annexation proceedings commenced after January 8, 1963, are invalidated unless such proceedings conform to the provisions of this Act.

Sec. 8. The request and petition for annexation provided for in Section 3 and Section 6(a) and (b) of this Act shall be made by the qualified voters and landowners signing and presenting to the city or town secretary a written petition requesting annexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of

the current poll list or an official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the territory. The petition shall describe the territory to be annexed and have attached to it a plat of the territory. Prior to circulating the petition for annexation among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the territory at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city or town secretary: (1) the sworn affidavit of any qualified voter who signed the petition, stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date when the notice was published. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there be that many, stating the total number of qualified voters residing in the territory and the approximate total acreage within the territory.

Sec. 9. (a) From and after the effective date of this Act, any city or town annexing a particular area shall within three (3) years of the effective date of such annexation provide or cause to be provided such area with governmental and proprietary services, substantially equivalent to other areas of said city or town, including such water, light, power, sewage, fire prevention and police protection services as are substantially equivalent to the standard and scope of such services furnished by the city to comparable areas of such city or town. In considering whether or not the services so rendered are substantially equivalent to those in other areas of such city or town, there shall be taken into account the area in which disannexation is sought and comparable areas within the confines of the city, considering the characteristics of topography, pattern of land utilization, and population density of the area sought to be disannexed and of comparable areas within the confines of the city. But there shall also be taken into account the general level of services rendered to residents of the city as a whole, and the ultimate determination shall be whether or not the city has acted promptly and reasonably in extending services to the area involved. In the event a city or town fails or refuses to provide or cause to be provided such services within the time specified herein, a majority of the qualified voters who reside within such particular annexed area, where there are three or more such qualified voters, and the owners of fifty per cent (50%) or more of the acreage within such particular annexed area may petition the governing body of such city or town to disannex such particular annexed area. If there are less than

three (3) qualified voters residing in such particular annexed area, such petition shall be by the owners of fifty per cent (50%) or more of the acreage of such particular annexed area.

(b) However, such area to be disannexed must be contiguous with the outer boundaries of the city or town along not less than twenty per cent (20%) of the length of such area's total surrounding boundary. The fact that the area contiguous to the outer boundaries of the city was annexed at the effective date of this Act shall not defeat the right of the inhabitants thereof to petition for disannexation, if the city shall not afford services within the time and under the conditions set out in paragraph (a) above.

(c) Should the governing body of such city or town fail or refuse to grant such petition to disannex such particular annexed area within ninety (90) days of receipt of a sufficient petition, any one or more of the signers of such petition may, within thirty (30) days of the date of such failure or refusal of such petition, file in a district court of any district in which such annexed area is located a petition praying that the particular annexed area be disannexed. The governing body of such city or town shall, within twenty (20) days after the service upon the members thereof of such petition, certify to said district court an answer thereto. Upon the filing of an answer by the governing body of said city or town, the case before the district court shall be at issue, without further pleadings, and upon application of either party, shall be advanced and heard without further delay.

If the district court finds that the standard and scope of governmental and proprietary services provided in such particular annexed area are not substantially equivalent to the standard and scope of governmental and proprietary services provided other areas of such city or town under standards set forth in paragraph (a) above, it shall enter an order disannexing such particular annexed area.

(d) When any such area is disannexed under the provisions of this Section it shall not again be annexed within one (1) year of such disannexation, and, if it is again annexed within three (3) years of disannexation, the period for affording such services as are required by this Section shall be one (1) year from reannexation rather than three (3) years as in other cases.

Sec. 10. The request and petition for disannexation provided for in Section 9 of this Act shall be made by the qualified voters and landowners signing and presenting to the city or town secretary a written petition requesting disannexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns



within the particular annexed area. The petition shall describe the particular annexed area to be disannexed and have attached to it a plat of the particular annexed area. Prior to circulating the petition for disannexation among the qualified voters and land-owners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the particular annexed area and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the particular annexed area at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city or town secretary: (1) the sworn affidavit of any qualified voter who signed the petition stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date in which the notice was published. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there be that many, stating the total number of qualified voters residing in the particular annexed area and the approximate total acreage within such particular annexed area.

Sec. 11. If any part of any territory annexed to a city or town under the provisions of this Act, or heretofore or hereafter annexed to any such city or town under the provisions of any other law or charter, is claimed by some other city or town to be lawfully included within the limits of such other city or town,

then either of the cities or towns having such conflicting claims may file a petition in a court of competent jurisdiction under the Uniform Declaratory Judgments Act seeking a declaration as to which city or town has lawful jurisdiction over the disputed territory. In any such proceedings, the court may consider the respective claims of the parties, and decide the issues, without regard to whether such claims might otherwise be regarded as collateral attacks on the validity of the annexation ordinances in question. A final judgment in any such proceeding declaring the validity or invalidity of any such ordinance, shall be binding on the cities or towns which were parties to such proceeding in any other proceeding involving the same ordinance or ordinances.

Sec. 12. Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"2. The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city and to provide for the exchange of territory with other cities or towns, not inconsistent with the procedural rules prescribed by this Act."

Sec. 13. The provisions of this Act shall not repeal any law or part of law upon the subject of which the provisions of this Act relate unless they are especially inconsistent. It is expressly provided that this Act shall not repeal or affect Article 1183 to Article 1187, both inclusive, Revised Civil Statutes of Texas, 1925, nor apply to any territories held by any

city or town under the provisions of said Articles or the laws of which said Articles were a codification.

Sec. 14. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared severable.

Sec. 15. This Act shall not apply to an annexation proceeding directly involved in litigation between cities or towns on the date of final passage of this Act where such litigation is ultimately determined against the legality of such proceedings; nor shall it apply to annexations which were directly involved in litigation pending on the date of final passage of this Act between cities or towns and persons, private corporations or governmental officials regardless of the outcome of such litigation.

Sec. 16. The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and this Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE ROOM

Date March 6, 1963

HON. BYRON M. TUNNELL

Speaker of the House of Representatives.

Sir:

We, your Committee on Municipal and Private Corporation, to whom was referred H.B. No. 13, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

  
Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

Amendment No. 1

By

Grover  
Henry C. Grover

Amend House Bill 13, Committee Amendment No. 1, page 2,  
Subsection B, of Section 2, line 43, by striking the words "three hundred  
and twenty (320) acres", and inserting in lieu thereof the words, "one  
hundred and ~~sixty~~ (160) acres."

MAR 18 1963

DATE \_\_\_\_\_

READ AND ADOPTED

Joseph Hallman  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

*OK*  
m.m.

(2.)  
Amendment No. 2

By Grover  
Grover

Amend House Bill Number 13, Committee Amendment No. 1, page 2,  
Subsection C of Section 2, line 47, by inserting the words, "without  
the written consent of the governing body of such city", after the  
word, "diminished".

DATE MAR 18 1953

READ AND ADOPTED

Dorothy Hallman  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

JB  
m.

(3)

Amendment No. 3

By Grover  
Grover

Amend House Bill 13, Committee Amendment No. 1, page 3, Subsection D of Section 2, line 5, by adding the words, "without the written consent of the governing body of such other city" after the words, "of another city".

MAR 18 1963

DATE \_\_\_\_\_

READ AND ADOPTED

Dorothy H. Heston  
HOUSE OF REPRESENTATIVES

JOH  
m.m.

(4) *Insert* (2)

Committee Amendment No. \_\_\_\_\_

By Adams

*Substitute to R. 11.2. Amend 7. a*

~~and~~ Committee Amendment Number 1 to House Bill Number 13, by

*adding* ~~adding to~~ Section 3 *2nd Substitute the following:* ~~a new subsection, subsection 1, to read as follows:~~

*3*  
Section 3. The governing body of any city shall have the power to specify minimum standards on streets, curbs and gutter<sup>s</sup>, water mains, ~~and~~ sewer lines *and drainage* for all of the area within its extraterritorial area, such standards to be substantially equivalent to those established for other areas of said city."

DATE MAR 19 1963

READ AND ADOPTED, *by vote of 79 ayes,*  
*Dorothy Hallman* *61 noes,*  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

MAR 19 1963

MOTION TO RECONSIDER THE VOTE BY  
WHICH Amendment WAS  
ADOPTED / ~~AND~~ AND TO TABLE THE MOTION TO RECONSIDER  
SIDER PREVAILED ~~BY~~ BY A Non-Record VOTE

AYES AND ~~NOES~~  
*Dorothy Hallman*  
CHIEF CLERK HOUSE OF REPRESENTATIVES

*JBH*  
*m. m.*



(5) (3)  
Amendment

By *[Signature]*

Amend Committee Amendment No. 1 to House Bill No. 13 by adding after paragraph E in Section 2 thereof (after line 7 on page 3 of the Committee Amendment as printed) a new paragraph, as follows:

"F. It shall not be mandatory for the city to embrace all of the territory which could be embraced within the area that is defined elsewhere in this Act as its extraterritorial jurisdiction. Before any territory shall be in such status its bounds must be defined by the governing body of the city which shall then cause to be prepared a map or plat, together with a description of such area, describing such extraterritorial area, and such map or plat, together with such description, shall be published in a newspaper having general circulation within the county or counties involved in order that the area be considered extraterritorial jurisdiction under the definition of this Act. "

DATE MAR 19 1963

READ AND ADOPTED

*Dorothy Hallman*  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

*JBH*  
*m.m.*

(6)

Amendment No. 4

By

Grover  
Grover

Amend House Bill 13, Committee Amendment No. 1, page 5, Section 4, by striking the words, "ten (10) years", in every instance where the words, "ten (10) years", appear in Section 4, and inserting in lieu thereof the words, "seven (7) years".

DATE MAR 19 1953

READ AND ADOPTED

Dorothy H. Harrison  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

JRH

m. m.

(17)  
Amendment No. 5

By

Grover  
Grover

Amend House Bill 13, Committee Amendment No. 1, page 5,  
Subsection A of Section 5, line 42, by adding after the word, "area",  
the following: "provided, however, that such limitation shall not  
apply to the annexation of property owned by the city annexing the  
same."

MAR 19 1963

DATE \_\_\_\_\_

READ AND ADOPTED

Dorothy Hallman  
CLERK  
HOUSE OF REPRESENTATIVES

JBH  
m.m.

8/8  
Amendment No. 6

4  
By

Grover  
Grover

Amend House Bill 13, Committee Amendment No. 1, page 5,  
Subsection B of Section 5, by adding a new sentence after the words,  
"null and void", in line 53, as follows: "Provided, however, that  
any period of time during which a city is restrained or enjoined from  
annexing any such territory by a court of competent jurisdiction shall  
not be computed in such ninety (90) day limitation period."

MAR 19 1963

DATE \_\_\_\_\_

READ AND ADOPTED

Dorothy Hallman  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

JBH  
m.m.

(9)

Amendment No. 7

By

Grover  
Grover

Amend House Bill 13, Committee Amendment No. 1, page 5, by striking all of Subsection C of Section 5 and renumbering "Subsection D." to read, "Subsection C.", and by striking the words, "in C. of Section 5 and", in the first sentence of Section 8.

DATE

MAR 19 1963

READ AND ADOPTED

Dorothy Hallman  
HOUSE OF REPRESENTATIVES

JAH  
m.m.

(10)

Amendment No. 8

By

Grover  
Grover

8-11  
(5)

Amend House Bill 13, Committee Amendment No. 1, page 5, by striking all of Subsection D. of Section 5. and inserting in lieu thereof the following:

"<sup>c</sup>D. All annexation proceedings by cities which are pending on March 15, 1963, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days of such date or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period."

MAR 19 1963

DATE

READ AND ADOPTED

Dorothy Hallman  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

JBH  
m.m.

COMMITTEE AMENDMENT

NO. 1

*by Butler*

COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 13 by striking out all below the enacting clause and inserting in lieu thereof the following:

"ARTICLE I

"Section 1. Definitions.

"For the purposes of this Article, the following words shall have the meanings ascribed to them:

"A. 'City' or 'Cities' means any incorporated city, town or village in the State of Texas regardless of population.

"B. 'Voters' means those persons qualified to vote under the laws of the State of Texas.

"C. 'Written consent' of a city, town or village means consent expressed by an ordinance or resolution.

"D. 'Boundary' or 'Boundaries' or 'Limits' means the existing boundary lines of an incorporated city, town or village, as they may be from time to time.

"Section 2. Establishing Extraterritorial Area.

"A. In order to promote and protect the general health, safety, and welfare of persons residing within and adjacent to the cities of this State, the Legislature of the State of Texas declares it to be the policy of the State of Texas that the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of any city, to the extent described herein, shall comprise and be known as the extraterritorial area of the various population classes of cities in the State and shall be as follows:

"(1) The extraterritorial area of any city having a population of less than five thousand (5,000) inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other

MAR 20 1963

MAR 20 1963

DATE

READ AND ADOPTED,

*Dorothy Hallman*  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

MOTION TO RECONSIDER THE VOTE BY WHICH *Comm. Amendment #1* WAS ADOPTED / ~~REMOVED~~ AND TO TABLE THE MOTION TO RECONSIDER PREVAILED ~~MOVED~~ BY A *non-record* VOTE  
AYES AND ~~NOTES~~  
*31 yeas, Dorothy Hallman*  
CHIEF CLERK HOUSE OF REPRESENTATIVES

city, within one half (1/2) mile of the corporate limits of such city.

"(2) The extraterritorial area of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand (25,000) inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within one (1) mile of the corporate limits of such city.

"(3) The extraterritorial area of any city having a population of twenty-five thousand (25,000) or more inhabitants, but less than fifty thousand (50,000) inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within two (2) miles of the corporate limits of such city.

"(4) The extraterritorial area of any city having a population of fifty thousand (50,000) or more inhabitants, but less than one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within three and one half (3 1/2) miles of the corporate limits of such city.

"(5) The extraterritorial area of any city having a population of one hundred thousand (100,000) or more inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within five (5) miles of the corporate limits of such city.

"B. In the event that on the effective date of this Act the extraterritorial area of a city overlaps the extraterritorial area of one (1) or more other cities, the area so overlapped may be apportioned by mutual agreement of the governing bodies of



the cities concerned. Such agreement shall be in writing and shall be approved by an ordinance or resolution adopted by such governing bodies.

"At any time after one hundred and eighty (180) days from the effective date of this Act, any city having an extraterritorial claim to such overlapping area shall have authority to file a plaintiff's petition in the district court of a judicial district, within which is located the largest city having an extraterritorial claim to the same overlapped area, naming as parties defendant all cities having a claim to such overlapped area and praying that such overlapped area, to which it has mutual claim, be apportioned among the cities concerned. In effecting such apportionment, the district court shall consider the population densities and patterns of growth, transportation, land utilization in the cities concerned and in the overlapped area, and property lines. The territory so apportioned to a city shall be contiguous to the extraterritorial area of such city. In the event the extraterritorial area of a city is totally overlapped, the territory so apportioned to such city shall be contiguous to the corporate boundaries of such city. Such territory so apportioned shall be in a substantially compact shape. Such overlapped area shall be apportioned among such cities in the same ratio (to one decimal) as the respective populations, according to the last preceding Federal Census, of the cities concerned bear to one another, but in such apportionment no city shall receive less than one-tenth ( $1/10$ ) of such overlapping area. Provided, however, that any apportionment made under this Subsection B shall give due consideration to existing property ownership lines, and no tract of land or contiguous tracts of land, under one ownership upon the effective

date of this Act and not exceeding ~~three~~ <sup>one</sup> hundred and ~~twenty~~ <sup>twenty</sup> (160) (320) acres in size shall be apportioned so as to lie within the extraterritorial area of more than one city, without the written consent of the landowner.

"C. Once established as provided in Sections 2A and B of this Act, ~~the~~ extraterritorial area of a city may not be diminished <sup>with the written consent of the governing body of such city</sup> due to the extension of the corporate limits or extraterritorial area of any other city. However, the extraterritorial area of a city may be expanded beyond the distance limitations imposed by Section 2A of this Act to include therein any land contiguous to the otherwise extraterritorial area of such city provided that the owner or owners of such land request such expansion and provided that the same does not conflict with existing boundaries or extraterritorial area of another city.

"D. When a city annexes additional territory, the extraterritorial area of such city shall expand in conformity with such annexation and shall comprise an area around the new boundaries of the city consistent with Section 2A hereof. Provided, however, that such expansion shall not conflict with existing <sup>with the written consent of the governing body of such city</sup> boundaries or extraterritorial area of another city.

"E. No city shall impose or collect any tax in the extraterritorial area of such city as long as it remains in such status.

<sup>(+)</sup>  
"Section 3. Authority Within Extraterritorial Area.

<sup>(2)</sup>  
"A. Hereafter every owner of any tract of land situated within the extraterritorial area of any city or town as defined by Sections 2A and B hereof, who may hereafter divide the same in two or more parts for the purpose of laying out any subdivision of any tract of land, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers

or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof of said subdivision or addition, and dimensions of all streets, alleys, squares, parks or other portions of same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto; provided, however, that no plat of any subdivision of any tract of land shall be recorded unless the same shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part giving the dimensions thereof of said subdivision or addition, and dimensions of all streets, alleys, squares, parks or other portions of same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

"B. That every such plat shall be duly acknowledged by owners or proprietors of the land, or by some duly authorized agent of said owners or proprietors, in the manner required for the acknowledgment of deeds; and the said plat shall be filed for record and be recorded in the office of the County Clerk of the County in which the land lies.

"C. That it shall be unlawful for the County Clerk of any county in which said land lies to receive or record any such plan, plat or replat, unless and until the same shall have been approved by the City Planning Commission at the city in whose extraterritorial area the subdivision is located, if said city has a City Planning Commission and if it has no City Planning

Commission, unless and until the said plan, plat or replat shall have been approved by the governing body of such city. Any person desiring to have a plan, plat or replat approved as herein provided, shall apply therefor to and file a copy with the Commission or governing body herein authorized to approve same, which shall act upon same within thirty (30) days from the filing date. If said plat be not disapproved within thirty (30) days from said filing date, it shall be deemed to have been approved and a certificate showing said filing date and the failure to take action thereon within thirty (30) days from said filing date, shall on demand be issued by the City - Planning Commission or governing body, as the case may be, of such city, and said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required. If the plan, plat or replat is approved, such Commission or governing body shall indicate such finding by certificate endorsed thereon, signed by the Chairman or presiding officer of said Commission or governing body and attested by its Secretary, or signed by a majority of the members of said Commission or governing body. Such Commission or governing body shall keep a record of such applications and the action taken thereupon, and upon demand of the owners of any land affected, shall certify its reasons for the action taken in the matter.

"D. If such plan, plat or replat shall conform to the general plan of the city in whose extraterritorial area the subdivision is located and its streets, alleys, parks, playgrounds and public utility facilities, including those which have been or may be laid out, and to the general plan for the extension of said city and of its roads, streets and public highways within said city, and within its extraterritorial area, regard being had for access to and extension of sewer and water mains and the instrumentalities of public utilities, and if same shall conform to said general rules and regulations, if any, governing plats and subdivisions of land falling within its jurisdiction as the governing body of such city may adopt and promulgate to promote the health, safety, morals or general welfare of the community, and the safe, orderly and healthful development of said community, then it shall be the duty of said City Planning Commission or the governing body of such city, as the case may be, to endorse approval upon the plan, plat or replat submitted to it.

"E. That any such plan, plat or replat may be vacated by the proprietors of the land covered thereby at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, duly executed and acknowledged and recorded in the same office as the plat to be vacated, provided the approval of the City Planning Commission or the governing body of said city, as the case may be, shall have been obtained as above provided, and the execution and recordation of such shall operate to destroy the force and effect of the recording of the plan, plat or replat so vacated. In cases where lots have been sold, the plan, plat or replat, or any part thereof, may be vacated upon the application of all the owners of lots in said plat and with the approval, as above provided, of the City Planning Commission or governing body of the said city, as the case may be. The County Clerk of the county in

whose office the plan or plat thus vacated has been recorded shall write in plain, legible letters across the plan or plat so vacated the word 'Vacated,' and also make a reference on the same to the volume and page in which said instrument of vacation is recorded.

"F. The approval of any such plan, plat or replat shall not be deemed an acceptance of the proposed dedication and shall not impose any duty upon any city in whose extraterritorial area the subdivision is located concerning the maintenance or improvements of any such dedicated parts until the proper authorities of said city shall have made actual appropriation of the same by entry, use or improvement.

"G. When any such map, plat or replat is tendered for filing in the office of the County Clerk of any county in which any such extraterritorial area of a city may be situated, it shall be the duty of such Clerk to ascertain that the proposed plan, plat or replat, is, or is not, subject to the provisions of this Act, and if it is subject to its provisions, then to examine said map, plat or replat to ascertain whether the endorsements required by this Act appear thereon. If such endorsements do appear thereon, he shall accept same for registration. If such endorsements do not appear thereon, he shall refuse to accept same for registration. When the same does not disclose whether the land covered by said map, plat or replat, or any part thereof, is or is not within the extraterritorial area of any city, the County Clerk may require one offering said map, plat or replat for registration to file with him an affidavit setting forth such information. The filing or recording of any plan, plat or replat contrary to the provisions of this Act shall constitute a misdemeanor punishable by fine of not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200), and both the County Clerk and any Deputy filing or recording the same shall be guilty.

~~"H. Unless and until any such plan, plat or replat shall have been first approved in the manner and by the authorities provided for in this Act, it shall be unlawful within the area covered by said plat or replat for any city in whose extraterritorial area the subdivision is located, or any official of such city to serve or connect said land or any part thereof, or for the use of the owners or purchasers of said land or any part thereof, with any public utilities such as water, sewers, lights, gas, etc., which may be owned, controlled or distributed by such city.~~

~~"I. If any such plan, plat or replat is disapproved by the City Planning Commission or the governing body of such city in whose extraterritorial area the subdivision is located, as the case may be, such disapproval shall be deemed a refusal by the said city of the offered dedication shown thereon.~~

~~"J. The provisions of this Section 3 are cumulative of the provisions of Article 974a, Revised Civil Statutes of Texas, but the provisions of this Act shall control in event of conflict.~~

~~"K. Provided, however, that nothing in this Act shall be construed to apply to or impose any restriction on any farm or ranch land, or any improvements thereon, or any other property not being used for purposes of subdivision.~~

"Section 4. Industrial District.

"The governing body of any city shall have the right, power, and authority to designate any part of the area located in its extraterritorial area as an industrial district, as the term is customarily used, and to treat with such area from time to time

as such governing body may deem to be in the best interest of the city. Included in such rights and powers of the governing body of any city, is the permissive right and power to enter into contracts or agreements with the owner or owners of land in such industrial district to guarantee the continuation of the extra-territorial status of such districts, and/or its immunity from annexation by the city for a period of time not to exceed <sup>seven (7)</sup> ~~ten (10)~~ years, and upon such other terms and consideration as the parties might deem appropriate. Such contracts or agreements shall be evidenced in writing and may be renewed or extended for successive periods not to exceed <sup>seven (7)</sup> ~~ten (10)~~ years each by such governing body and the owner or owners of land in such industrial district. Existing contracts or agreements of such nature, recognized in or evidenced by an ordinance or resolution of the governing body of the contracting city, are hereby in all respects validated as of the date they were made, for the extent of their term or from <sup>(1)</sup> ~~ten (10)~~ years from the date made, whichever is shorter.

"Section 5. Annexation Proceedings.

"A. A city may annex territory only within the confines of its extraterritorial area. *from such, however, that such limitation shall not apply to the annexation of property owned by the city and lying within the same.*

"B. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at a public hearing to be held not more than twenty (20) days nor less than ten (10) days prior to institution of such proceedings. Notice of such hearing shall



be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the hearing. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the governing body of such city institutes annexation proceedings or be null and void. <sup>Insert (4) ✓</sup>

~~"C. Any territory contiguous to the corporate limits of a city within the extraterritorial area of the city shall be annexed by the city upon the petition of a majority of the qualified resident voters, if any, in such territory and the owners of fifty per cent (50%) or more of the land in the territory.~~

<sup>Insert (5)</sup> ~~"D. All annexation proceedings by cities which are pending on or instituted after February 1, 1963, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days of the effective date of this Act or be null and void. Should any such annexation proceeding be or become directly involved in litigation on such effective date, or within ninety (90) days thereafter, the period within which said annexation proceeding must be completed shall commence upon the date of final judgment or order in such litigation.~~

"Section 6. Limitation on Annexations in Any One Year.

"A. A city may annex in any one calendar year only territory equivalent in size to ten per cent (10%) of the total corporate area of such city as of the first day of that calendar year. In addition to such ten per cent (10%), a city may annex the following:

~~(1) territory caused to be annexed by a request of a majority of the qualified resident voters in the territory and the owners of fifty per cent (50%) or more of the land in the territory, (2) territory which is owned by the city, the county, the State, or the Federal Government, (3) territory annexed after a favorable vote of a majority of the inhabitants of the territory who are qualified to vote for Members of the State Legislature, and (4) territory annexed upon petition of the owner or owners of the land therein.~~

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"B. In the event a city fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in subsequent calendar years. A city, utilizing the power granted under this Subsection, may not annex in any one calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of the calendar year.

"Section 7. Limitations on Creation of Political Subdivisions Within the Extraterritorial Area.

"A. No city may be incorporated within the area of the extraterritorial area of any city without the written consent of the governing body of such city. Should such governing body refuse to grant permission for the incorporation of such proposed city, a majority of the qualified resident voters, if any, in the territory of such proposed city and the owners of fifty per cent (50%) or more of the land in such proposed city may petition the governing body of such city and request annexation by such city. Should the governing

Body of such city fail or refuse to annex the area of such proposed city within six (6) months from the date of receipt of such petition, proof of such failure or refusal shall constitute authorization for the creation of such proposed city insofar as the purposes of this Subsection are concerned. The provisions of this Subsection shall apply only to the area of a proposed city which lies within the extraterritorial area of such city.

"B. No political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services may be created within the area of the extraterritorial jurisdiction of any city without the written consent of such city. Should the governing body of such city fail or refuse to grant permission for the creation of such proposed political subdivision within thirty (30) days after receipt of a written request for same, a majority of the qualified resident voters in the territory of such proposed political subdivision and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision may petition the governing body of such city and request such city to make available to such territory the water or sanitary sewer service contemplated by the proposed political subdivision. Should the governing body of the city and a majority of the qualified resident voters and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision fail to execute a mutually

agreeable contract providing for the water or sanitary sewer service requested within six (6) months after receipt of such petition, such failure shall constitute an authorization for the creation of the proposed political subdivision insofar as the provisions of this Subsection are concerned. The provisions of this Subsection shall apply only to the area of such proposed political subdivision which lies within the extraterritorial area of such city.

"This Subsection shall not apply to any such proposed political subdivision where a valid petition seeking its creation has been filed with the county clerk or other legally designated authority prior to the effective date of this Act.

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⑧  
"Section 8. Annexation Petition.

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⑨  
~~"The petition for annexation provided for in C of Section 5 and in Section 7 of this Article I shall be made by the voters and landowners signing and presenting to the city secretary or clerk a written petition requesting annexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage~~

he or she owns within the territory. The petition shall describe the territory to be annexed and have attached to it a plat of the territory. Prior to circulating the petition for annexation among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory and by publishing it for one (1) issue in a newspaper of general circulation serving the territory at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary: (1) the sworn affidavit of any voter who signed the petition, stating the places where and the dates when the petition was posted, and; (2) the sworn affidavit of the publisher of the newspaper setting forth the name of the newspaper and the issue and date when the notice was published; (3) in addition, there shall be attached to the petition the sworn affidavit of three (3) or more voters signing the petition, if there be that many, stating the total number of voters residing in the territory and the approximate total acreage within the territory.

"Section 9. Disannexation.

9-10  
"A. From and after the effective date of this Act, any city annexing a particular area shall within three (3) years of the effective date of such annexation provide or cause to be provided such area with water and sewerage, and with all other governmental and proprietary services substantially equivalent to those furnished to other areas of said city, including, in addition to water and sewerage, such light, power, streets, drainage, fire prevention and police protection services as are substantially equivalent to the standard and scope of such services furnished by the city to comparable areas of such city. In considering whether or not the services so rendered are substantially equivalent to those in other areas of such city, there shall be taken into account the area in which disannexation is sought and comparable areas within the confines of the city, considering the characteristics of topography, pattern of land utilization, or population density of the area sought to be disannexed and of comparable areas within the confines of the city. But there shall also be taken into account the general level of services rendered to residents of the city as a whole, and the ultimate determination shall be whether or not the city has acted promptly and reasonably in extending services to the area involved. In the event a city fails or refuses to provide or cause to be provided water and sewerage and other services within the time specified herein, a majority of the qualified voters who reside within such particular annexed area, where there are three or more such qualified voters, and the owners of fifty per cent (50%) or more of the acreage within such particular annexed area may petition the governing body of such city to disannex such particular annexed area. If there are less than three (3) qualified voters residing

in such particular annexed area, such petition shall be by the owners of fifty per cent (50%) or more of the acreage of such particular annexed area.

"B. Should the governing body of such city fail or refuse to disannex such particular annexed area within ninety (90) days of receipt of a sufficient petition, any one or more of the signers of such petition may, within sixty (60) days file in a district court of any district in which such annexed area is located a petition praying that the particular annexed area be disannexed. The governing body of such city shall, within twenty (20) days after the service upon the members thereof of such petition, certify to said district court an answer thereto. Upon the filing of an answer by the governing body of said city, and upon application of either party, the case shall be advanced and heard without further delay in accordance with the Texas Rules of Civil Procedure. At the trial the only issue of fact shall be whether or not the city has provided to the area sought to be disannexed with water and sewerage, and all of the other governmental and proprietary services of the nature and in the manner above specified in Section 9A. If it is found, by the court or the jury, that the city has not furnished such items as required, the court shall enter an order disannexing such particular annexed area.

"C. Any city having had within its corporate limits, for a period of five (5) years or more, a particular area to which it has not provided all services as defined under Paragraph A of this Section 9, shall within one (1) year from and after the effective date of this Act provide such area with such services. In the event a city fails or refuses to so provide or cause to be provided such services within the time specified herein, a majority of the qualified voters who reside in such area, where there are three or more such voters, and the owners

of fifty per cent (50%) or more of the acreage within such area may petition the governing body of such city to disannex such area, in the same manner and with the same resort to court action as otherwise provided in this Act for resident voters and/or landowners in areas annexed after the effective date of this Act. Provided, however, that the right to disannexation provided for in this Subsection C shall not be available as to any area which was lawfully within the city limits at the time of the sale of any duly authorized general revenue bonds of the city, and for so long as any such bonds shall be outstanding.

"D. When any such area is disannexed under the provisions of this Section, it shall not again be annexed within one (1) year of such disannexation, and, if it is again annexed within three (3) years of disannexation, the period for affording such services as are required by this Section shall be one (1) year from reannexation rather than three (3) years as in other cases.

"E. The request and petition for disannexation provided for in Section 9 of this Act shall be made by the qualified voters and landowners signing and presenting to the city secretary a written petition requesting disannexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the particular annexed area. The petition shall describe



the particular annexed area to be disannexed and have attached to it a plat of the particular annexed area. Prior to circulating the petition for disannexation among the qualified voters and land-owners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the particular annexed area and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the particular annexed area at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary: (1) the sworn affidavit of any qualified voter who signed the petition stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date in which the notice was published. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there be that many, stating the total number of qualified voters residing in the particular annexed area and the approximate total acreage within such particular annexed area.

~~"Section 10.~~ If any part of any territory annexed to a city under the provisions of this Act, or heretofore or hereafter annexed to any such city under the provisions of any other law or charter, is claimed by some other city to be lawfully included within the limits of such other city, or for any other reason is claimed to be unlawfully annexed by an interested person, party or firm, then either of the cities having such conflicting claims, or the person, party or firm alleging himself or itself to be aggrieved, may file a petition in a court of competent jurisdiction under the Uniform Declaratory Judgments Act seeking a declaration in the premises.

~~In any such proceeding, the court may consider the respective claims~~  
of the parties, and decide the issues, regardless of whether such  
claims might otherwise be regarded as collateral attacks on the  
validity of the annexation ordinances in question or whether  
such ordinances might otherwise be regarded as not subject to  
judicial review. A final judgment in any such proceeding, de-  
~~claring the validity or invalidity of any such ordinance,~~ shall  
be binding on the cities, towns, persons, parties or firms which  
were parties to such proceeding in any other litigation or other  
proceeding involving the same ordinance or ordinances.

#### "Article II

"Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"'2. The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city and to provide for the exchange of territory with other cities or towns, according to such rules as may be provided by said charter not inconsistent with the procedural rules prescribed by this Act.'

#### "Article III

"The provisions of this Act shall not repeal any law or part of law upon the subject of which the provisions of this Act relate unless they are especially inconsistent. It is expressly provided that this Act shall not repeal or affect Article 1183 to Article 1187, both inclusive, Revised Civil Statutes of Texas, 1925, nor apply to any territories held by any city or town under the provisions of said Articles or the laws of which said Articles were a codification.

"Article IV

"If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared severable.

"Article V

"The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and this Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(M)

Amendment ⑥

AMENDMENT NO.

BY Hughes

Amend House Committee Amendment No. 1 to House Bill 13,  
Section 5 thereof, by inserting a new subsection E thereto which  
shall read as follows:

D.

"F. No annexation accomplished hereunder  
shall change or have any effect upon any switching  
limits of railroads, or upon any rules, regulations,  
rate publications or tariffs issued or approved by  
the Railroad Commission of Texas."

MAR 20 1963

DATE \_\_\_\_\_  
READ AND ADOPTED  
Dorothy Hallman  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

MAR 20 1963

MOTION TO RECONSIDER THE VOTE  
WHICH Amendment WAS  
ADOPTED / REMOVED AND TO TABLE THE MOTION TO RECON-  
SIDER PREVIOUSLY PASSED BY A non-record vote  
\_\_\_\_\_  
CHIEF CLERK HOUSE OF REPRESENTATIVES

JOH  
m.m.

(12) (7)

Butler

Amend Committee substitute to H.B. 13 by striking out the paragraph on lines 10 to 17 inclusive on page 6 of the printed bill and inserting in lieu thereof the following:

- (1) territory caused to be annexed by a request of a majority of the qualified resident voters in the territory and the owners of fifty per cent (50%) or more of the land in the territory,
- (2) territory which is owned by the city, the county, the State, or the Federal Government; and is annexed with the consent of the county, the State, or the Federal Government.

MAR 20 1963

DATE \_\_\_\_\_

READ AND ADOPTED

*Dorothy Hallman*  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

JBH  
m.m.

(13) 8  
Amendment No. 9

By

*Grover*

Grover

Amend House Bill 13, Committee Amendment No. 1, by adding a new Subsection to Section 7., page 7, to be styled "C.", as follows:

"C. Any proposed city gaining authorization to be incorporated, under the provisions of Subsection A. of this Section, shall initiate proceedings for such incorporation within six (6) months of the date of such authorization. Failure to initiate such proceedings within six (6) months of such date shall cause such authorization to be terminated. Failure to complete such incorporation proceedings within eighteen (18) months, of the date of authorization, shall cause such authorization to be terminated. Any proposed political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services gaining authorization to be created, under the provisions of B. of this Section, shall initiate proceedings for such creation within six (6) months of the date of such authorization. Failure to initiate such proceedings within six (6) months of the date of authorization shall cause such authorization to be terminated. Failure to complete such ~~incorporation~~ proceedings within eighteen (18) months, of the date of authorization, shall cause such authorization to be terminated."

MAR 20 1963

DATE

RECEIVED

*Dorothy Hillman*

CHIEF CLERK  
HOUSE OF REPRESENTATIVES

JBH  
m. m.

(14)

Amendment No. 10

By

Grover  
Grover

Amend House Bill 13, Committee Amendment No. 1, page 7, by striking all of Section 8. and inserting in lieu thereof the following:

Section 8. Petition for Annexation or Services. The petition for annexation provided for ~~in Subsection C of Section 5 and in~~ Subsection A of Section 7 of this Article and the petition requesting the availability of services provided for in Subsection B of Section 7 of this Article shall be made by the voters and landowners signing and presenting to the city secretary or clerk a written petition requesting annexation or requesting such services. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the territory. The petition shall describe the territory to be annexed or the territory to which such services are requested to be made available and have attached to it a plat of the

MAR 20 1963  
DATE \_\_\_\_\_

READ AND ADOPTED

Detlev Hallman  
HOUSE OF REPRESENTATIVES

JBT  
m.m.

territory. Prior to circulating the petition for annexation or such services among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory and by publishing it for one (1) issue in a newspaper of general circulation serving the territory at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary or clerk; (1) the sworn affidavit of any voter who signed the petition, stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper setting forth the name of the newspaper and the issue and date when the notice was published; (3) in addition, there shall be attached to the petition the sworn affidavit of three (3) or more voters signing the petition, if there be that many, stating the total number of voters residing in the territory and the approximate total acreage within the territory."



(115)  
AMENDMENT NUMBER \_\_\_\_\_

BY Crews

9 (10)  
Amend Committee Amendment Number 1 to House Bill Number 13  
by striking all of Subsections A, B, and C of Section 9, and substituting  
in lieu thereof the following:

"A. From and after the effective date of this Act, any city annexing a particular area shall within three (3) years of the effective date of such annexation provide or cause to be provided such area with governmental and proprietary services, the standard and scope of which are substantially equivalent to the standard and scope of governmental and proprietary services furnished by such city in other areas of such city which have characteristics of topography, patterns of land utilization, and population density similar to that of the particular area annexed. In the event a city fails or refuses to provide or cause to be provided such services within the time specified herein, a majority of the qualified voters residing within such particular annexed area and the owners of fifty per cent (50%) or more of the land in such particular annexed area, which area must adjoin the outer boundaries of the city, may petition the governing body of such city to disannex such particular annexed area. Should the governing body of such city fail or refuse to disannex such particular annexed area within ninety (90) days after receipt of a valid petition, any one or more of the signers of such petition may, within sixty (60) days of the date of such failure or refusal, file in a district court of the district in which such city is located an action requesting that the particular annexed area be disannexed. Upon the filing of an answer in such cause by the governing body of such city, and upon application of

DATE MAR 20 1963

READ AND ADOPTED by vote of 95 ayes,

Dorothy Hallman 467 ayes,  
HOUSE OF REPRESENTATIVES

MAR 20 1963

MOTION TO RECONSIDER THE VOTE BY  
WHICH Amendment WAS  
ADOPTED / ~~TABLED~~ AND TO TABLE THE MOTION TO RECON-  
SIDER PREVAILED ~~BY A~~ Non-record vote

Dorothy Hallman  
CHIEF CLERK HOUSE OF REPRESENTATIVES

JAH  
m.m.

either party, the case shall be advanced and heard without further delay, all in accordance with the Texas Rules of Civil Procedure. Upon hearing of the case, if the district court finds that a valid petition was filed with the city, that the particular annexed area is otherwise eligible for disannexation under the provisions of this Section, and that the standard and scope of governmental and proprietary services provided or caused to be provided to such particular annexed area are not substantially equivalent to the standard scope of governmental and proprietary services provided or caused to be provided other areas of such city having characteristics of topography, patterns of land utilization and population density similar to that of the particular annexed area, it shall enter an order disannexing such particular annexed area. Provided, however, that the right of disannexation provided for in this Section shall not be available to any particular annexed area which was lawfully within the city limits of a city at the time of the approval or sale of any general obligation bonds of the city if proceeds therefrom have been expended for capital improvements to serve such particular annexed area, so long as any such bonds are outstanding.

(16)

Johnson of Dallas  
*JG*  
~~Robert~~

Amendment No. 12

By

Amend House Bill 13, Committee Amendment No. 1, by striking all  
of Section 10.

MAR 20 1963

DATE \_\_\_\_\_

READ AND ADOPTED

*Dorothy Hallman*  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

*pd*  
*to m.*

MAR 20 1963

MOTION TO RECONSIDER THE VOTE BY  
WHICH Amendment WAS  
ADOPTED / ~~REJECTED~~ AND TO TABLE THE MOTION TO RECON-  
SIDER PREVAILED ~~ADOPTED~~ BY A Non-record vote following yeas


AYES AND NAYES  
*Dorothy Hallman*  
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAR 20 1963  
*[Large circular stamp with illegible text and signatures]*  
HOUSE OF REPRESENTATIVES

Austin, Texas  
April 16, 19 63

Hon. Preston Smith  
President of the Senate  
Sir:

We, your Committee on COUNTIES, CITIES AND TOWNS,  
to whom was referred H. B. No. 13, have had the same under  
consideration, and we are instructed to report it back to the  
Senate with the recommendation that it do not pass, but that  
the Committee Substitute adopted in lieu thereof do pass and be  
printed.

  
\_\_\_\_\_  
Chairman, Dies

COMMITTEE SUBSTITUTE FOR

H. B. No. 13

By: Grover

(In the Senate - March 25, 1963, received from the House; March 25, 1963, read first time and referred to Committee on Counties, Cities & Towns; April 16, 1963, reported adversely, with favorable Committee Substitute. Committee Substitute read 1st time; April 16, 1963, sent to printer.)

COMMITTEE SUBSTITUTE

"A BILL  
TO BE ENTITLED

"AN ACT regulating the authority of cities, towns and villages to annex territory; establishing the extraterritorial jurisdiction of cities, towns and villages; authorizing the exercise of certain powers by cities, towns and villages; providing for the disannexation of certain areas annexed by cities, towns and villages after the effective date of this Act under certain conditions; providing that all other laws and parts of laws relating to this subject shall not be repealed by the provisions of this Act unless they are expressly inconsistent and then only to the extent of such inconsistency; exempting Articles 1183 to 1187, both inclusive, Title 28, Revised Civil Statutes of Texas, 1925; amending Article 1175, Subdivision 2 of the Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency.

"BE IT EXACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"ARTICLE I

"Section 1. Short Title. This Act is known and may be cited as the "Municipal Annexation Act."

"Sec. 2. Definitions. For the purposes of this Article, the following words shall have the meanings ascribed to them:

A. "City" or "Cities" means any incorporated city, town or village in the State of Texas.

B. "Voters" means those persons qualified to vote under the laws of the State of Texas.

C. "Written consent" means consent expressed by an ordinance or resolution.

"Sec. 3. Establishing Extraterritorial Jurisdiction. A. In order to promote and protect the general health, safety, and welfare of persons residing within and adjacent to the cities of this State, the Legislature of the State of Texas declares it to be the policy of the State of Texas that the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of any city, to the extent described herein, shall comprise and be known as the extraterritorial jurisdiction of the various population classes of cities in the State and shall be as follows:

(1) The extraterritorial jurisdiction of any city having a population of less than five thousand (5,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one-half (1/2) mile of the corporate limits of such city.

(2) The extraterritorial jurisdiction of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand (25,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one (1) mile of the corporate limits of such city.

(3) The extraterritorial jurisdiction of any city having a population of twenty-five thousand (25,000) or more inhabitants,

Committee Substitute for

H. B. No. 13

but less than fifty thousand (50,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within two (2) miles of the corporate limits of such city.

(4) The extraterritorial jurisdiction of any city having a population of fifty thousand (50,000) or more inhabitants, but less than one hundred thousand (100,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within three and one-half (3 1/2) miles of the corporate limits of such city.

(5) The extraterritorial jurisdiction of any city having a population of one hundred thousand (100,000) or more inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within five (5) miles of the corporate limits of such city.

B. In the event that on the effective date of this Act the area under the extraterritorial jurisdiction of a city overlaps an area under the extraterritorial jurisdiction of one (1) or more other cities, such overlapped area may be apportioned by mutual agreement of the governing bodies of the cities concerned. Such agreement shall be in writing and shall be approved by an ordinance or resolution adopted by such governing bodies.

At any time after one hundred and eighty (180) days from the effective date of this Act, any city having an extraterritorial claim to such overlapping area shall have authority to file a plaintiff's petition in the district court of a judicial district, within which is located the largest city having an extraterritorial claim to such overlapped area, naming as parties defendant all cities having a claim to such overlapped area and praying that such overlapped area, to which it has mutual claim, be apportioned among the cities concerned. In effecting such apportionment, the district court shall consider the population densities and patterns of growth, transportation, topography, and land utilization in the cities concerned and in the overlapped area. The territory so apportioned to a city shall be contiguous to the extraterritorial jurisdiction of such city. In the event the extraterritorial jurisdiction of a city is totally overlapped, the territory so apportioned to such city shall be contiguous to the corporate boundaries of such city. Such territory so apportioned shall be in a substantially compact shape. Such overlapped area shall be apportioned among such cities in the same ratio (to one decimal) as the respective populations of the cities concerned bear to one another, but in such apportionment no city shall receive less than one-tenth (1/10) of such overlapping area. Provided, however, that any apportionment made under the provisions of this subsection shall give consideration to existing property lines, and no tract of land or adjoining tracts of land, under one ownership upon the effective date of this Act and not exceeding one hundred and sixty (160) acres in size shall be apportioned so as to be within the extraterritorial jurisdiction of more than one city unless the landowner consents in writing to such apportionment.

C. When a city annexes additional territory, the extraterritorial jurisdiction of such city shall expand in conformity with such annexation and shall comprise an area around the new corporate limits of the city consistent with Subsection A of this Section. In addition, the extraterritorial jurisdiction of the city may be extended beyond the distance limitations imposed by Subsection A of this Section to include therein any territory contiguous to the otherwise existing extraterritorial jurisdiction of such city, provided the owner or owners of such contiguous territory request such expansion. However, in no event shall the expansion of the extraterritorial jurisdiction of a city, through annexation, or upon request, or because of increase in population of the city, conflict with the existing extraterritorial jurisdiction of another city. The extraterritorial jurisdiction of a city shall not be reduced

Committee Substitute for

H. B. No. 13 (Continued

without the written consent of the governing body of such city, except in cases of judicial apportionment of overlapping extraterritorial jurisdictions.

D. No city shall impose any tax in the area under the extraterritorial jurisdiction of such city, by reason of including such area within such extraterritorial jurisdiction.

"Sec. 4. Extension of Subdivision Ordinance Within the Extraterritorial Jurisdiction. The governing body of any city may extend by ordinance to all of the area under its extraterritorial jurisdiction the application of such city's ordinance establishing rules and regulations governing plats and the subdivision of land; provided, that any violation of any provision of any such ordinance outside the corporate limits of the city, but within such city's extraterritorial jurisdiction, shall not constitute a misdemeanor under such ordinance nor shall any fine provided for in such ordinance be applicable to a violation within such extraterritorial jurisdiction. However, any city which extends the application of its ordinance establishing rules and regulations governing plats and the subdivision of land to the area under its extraterritorial jurisdiction shall have the right to institute an action in the district court to enjoin the violation of any provision of such ordinance in such extraterritorial jurisdiction, and the district court shall have the power to grant any or all types of injunctive relief in such cases.

"Sec. 5. Industrial Districts. The governing body of any city shall have the right, power, and authority to designate any part of the area located in its extraterritorial jurisdiction as an industrial district, as the term is customarily used, and to treat with such area from time to time as such governing body may deem to be in the best interest of the city. Included in such rights and powers of the governing body of any city is the permissive right and power to enter into contracts or agreements with the owner or owners of land in such industrial district to guarantee the continuation of the extraterritorial status of such district, and its immunity from annexation by the city for a period of time not to exceed seven (7) years, and upon such other terms and considerations as the parties might deem appropriate. Such contracts or agreements shall be evidenced in writing and may be renewed or extended for successive periods not to exceed seven (7) years each by such governing body and the owner or owners of land in such industrial district. Existing contracts or agreements of such nature, recognized in or evidenced by an ordinance or resolution of the governing body of the contracting town or city, are hereby in all respects validated as of the date they were made, for the extent of their term or for seven (7) years from the date made, whichever is shorter.

"Sec. 6. Notice and Hearing - Annexation Proceedings. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at a public hearing to be held not more than twenty (20) days nor less than ten (10) days prior to institution of such proceedings. Notice of such hearing shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the hearing. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the governing body of such city institutes annexation proceedings or be null and void. Provided, however, any period of time during which a city is restrained or enjoined from annexing any such territory by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

"Sec. 7. Limitation on Annexations. A. A city may annex territory only within the confines of its extraterritorial jurisdiction; provided, however, that such limitation shall not apply

Committee Substitute for  
H. B. No. 13 (Continued)

to the annexation of property owned by the city annexing the same.

B. A city may annex in any one calendar year only territory equivalent in size to ten per cent (10%) of the total corporate area of such city as of the first day of that calendar year. In computing the total amount of territory which may be annexed in any one (1) calendar year, there shall be excluded from such ten per cent (10%) the following: (1) territory caused to be annexed by a request of a majority of the qualified resident voters in the territory and the owners of fifty per cent (50%) or more of the land in the territory, (2) territory annexed which is owned by the city, the county, the State, or the Federal government which is used for a public purpose, (3) territory annexed at the request of a majority of the voters residing in such territory, and (4) territory annexed at the request of the owner or owners thereof.

C. In the event a city fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in subsequent calendar years. A city, utilizing the power granted under this subsection, may not annex in any one calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of the calendar year.

D. All annexation proceedings by cities which are pending on March 15, 1963, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days after the effective date of this Act or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

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32 "Sec. 8. Limitations on Creation of Political Subdivisions  
33 Within the Extraterritorial Jurisdiction. A. No city may be in-  
34 corporated within the area of the extraterritorial jurisdiction  
35 of any city without the written consent of the governing body of  
36 such city. Should such governing body refuse to grant permission  
37 for the incorporation of such proposed city, a majority of the  
38 resident voters, if any, in the territory of such proposed city  
39 and the owners of fifty per cent (50%) or more of the land in such  
40 proposed city may petition the governing body of such city and  
41 request annexation by such city. Should the governing body of such  
42 city fail or refuse to annex the area of such proposed city within  
43 six (6) months from the date of receipt of such petition, proof of  
44 such failure or refusal shall constitute authorization for the in-  
45 corporation of such proposed city insofar as the purposes of this  
46 subsection are concerned. Written consent or authorization for the  
47 incorporation of a proposed city, insofar as the provisions of this  
48 subsection are concerned, shall mean only authorization to initiate  
49 incorporation proceedings for such proposed city as otherwise  
50 provided by law. The provisions of this subsection shall apply only  
51 to the area of a proposed city which lies within the extraterritorial  
52 jurisdiction of such city.

53 B. No political subdivision having as one of its purposes the  
54 supplying of fresh water for domestic or commercial uses or the  
55 furnishing of sanitary sewer services may be created within the area  
56 of the extraterritorial jurisdiction of any city without the written  
57 consent of such city. Should the governing body of such city fail  
58 or refuse to grant permission for the creation of such proposed  
59 political subdivision within sixty (60) days after receipt of a  
60 written request for same, a majority of the qualified resident voters  
61 in the territory of such proposed political subdivision and the owner  
62 or owners of fifty per cent (50%) or more of the land in such proposed  
63 political subdivision may petition the governing body of such city  
64 and request such city to make available to such territory the water  
65 or sanitary sewer service contemplated by the proposed political



Committee Substitute for

H. B. No. 13 (Continued)

subdivision. Should the governing body of the city and a majority of the qualified resident voters and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision fail to execute a mutually agreeable contract providing for the water or sanitary sewer service requested within six (6) months after receipt of such petition, such failure shall constitute authorization for the creation of the proposed political subdivision insofar as the provisions of this subsection are concerned. Authorization for the creation of the proposed political subdivision, insofar as the provisions of this subsection are concerned, shall mean only authorization to initiate proceedings to create such political subdivision as otherwise provided by law. The provisions of this subsection shall apply only to the area of such proposed political subdivision which lies within the extraterritorial jurisdiction of such city.

This subsection shall not apply to any such proposed political subdivision where a valid petition seeking its creation has been filed with the county clerk or other legally designated authority prior to the effective date of this Act.

C. If authorization to initiate incorporation proceedings for a proposed city is obtained under the provisions of Subsection A of this Section, such incorporation must be initiated within six (6) months of the date of such authorization and such incorporation must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such incorporation proceedings or to finally complete the incorporation of such proposed city within such allotted periods of time shall terminate such authorization. If authorization to initiate proceedings to create a proposed political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial purposes or the furnishing of sanitary sewer services is obtained under the provisions of Subsection B of this Section, such proceedings seeking the creation of such a political subdivision must be initiated within six (6) months of the date of such authorization and such proposed political subdivision must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such proceedings seeking the creation of such political subdivision or to finally complete the creation of such proposed political subdivision within such allotted periods of time shall terminate such authorization.

"Sec. 9. Petition for Annexation or Services. The petition for annexation provided for in Subsection A of Section 8 of this Article and the petition requesting the availability of services provided for in Subsection B of Section 8 of this Article shall be made by the voters and landowners signing and presenting to the city secretary or clerk a written petition requesting annexation or requesting such services. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt, exemption certificate, or such other voter registration certificate that may be provided for by law. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the territory. The petition shall describe the territory to be annexed or the territory to which such services are requested to be made available and have attached to it a plat of the territory. Prior to circulating the petition for annexation or such services among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory and by publishing it for

Committee Substitute for

H. B. No. 13 (Continued)

one (1) issue in a newspaper of general circulation serving the territory at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary or clerk: (1) the sworn affidavit of any voter who signed the petition, stating the places where and the dates when the petition was posted; and (2) the sworn affidavit of the publisher of the newspaper setting forth the name of the newspaper and the issue and date when the notice was published; (3) in addition, there shall be attached to the petition the sworn affidavit of three (3) or more voters signing the petition, if there be that many, stating the total number of voters residing in the territory and the approximate total acreage within the territory.

"Sec. 10. Disannexation. A. From and after the effective date of this Act, any city annexing a particular area shall within three (3) years of the effective date of such annexation provide or cause to be provided such area with governmental and proprietary services, the standard and scope of which are substantially equivalent to the standard and scope of governmental and proprietary services furnished by such city in other areas of such city which have characteristics of topography, patterns of land utilization, and population density similar to that of the particular area annexed. In the event a city fails or refuses to provide or cause to be provided such services within the time specified herein, a majority of the qualified voters residing within such particular annexed area and the owners of fifty per cent (50%) or more of the land in such particular annexed area, which area must adjoin the outer boundaries of the city, may petition the governing body of such city to disannex such particular annexed area. Should the governing body of such city fail or refuse to disannex such particular annexed area within ninety (90) days after receipt of a valid petition, any one or more of the signers of such petition may, within sixty (60) days of the date of such failure or refusal, file in a district court of the district in which such city is located an action requesting that the particular annexed area be disannexed. Upon the filing of an answer in such cause by the governing body of such city, and upon application of either party, the case shall be advanced and heard without further delay, all in accordance with the Texas Rules of Civil Procedure. Upon hearing of the case, if the district court finds that a valid petition was filed with the city, that the particular annexed area is otherwise eligible for disannexation under the provisions of this Section, and that the standard and scope of governmental and proprietary services provided or caused to be provided to such particular annexed area are not substantially equivalent to the standard and scope of governmental and proprietary services provided or caused to be provided other areas of such city having characteristics of topography, patterns of land utilization and population density similar to that of the particular annexed area, it shall enter an order disannexing such particular annexed area. Provided, however, that the right of disannexation provided for in this Section shall not be available to any particular annexed area which was lawfully within the city limits of a city at the time of the approval or sale of any general obligation bonds of the city if proceeds therefrom have been expended for capital improvements to serve such particular annexed area, so long as any such bonds are outstanding.

B. When any such area is disannexed under the provisions of this Section, it shall not again be annexed within one (1) year of such disannexation, and, if it is again annexed within three (3) years of disannexation, the period for affording such services as are required by this Section shall be one (1) year from reannexation rather than three (3) years as in other cases.

C. The request and petition for disannexation provided for in Subsection A of this Section of this Act shall be made by the

Committee Substitute for  
H. B. No. 13 (Continued)

qualified voters and landowners signing and presenting to the city secretary a written petition requesting disannexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink, or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt, exemption certificate, or such other voter registration certificate that may be provided for by law. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the particular annexed area. The petition shall describe the particular annexed area to be disannexed and have attached to it a plat of the particular annexed area. Prior to circulating the petition for disannexation among the qualified voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the particular annexed area and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the particular annexed area at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary: (1) the sworn affidavit of any qualified voter who signed the petition stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date in which the notice was published. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there be that many, stating the total number of qualified voters residing in the particular annexed area and the approximate total acreage within such particular annexed area.

"ARTICLE II

"Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

2. The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city and to provide for the exchange of territory with other cities or towns, according to such rules as may be provided by said charter not inconsistent with the procedural rules prescribed by the Municipal Annexation Act.'

"ARTICLE III

"Cumulative Claude. The provisions of this Act shall not repeal Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as last amended or any other law or part of law upon the subject of which the provisions of this Act relate unless they are expressly inconsistent and then only to the extent of such inconsistency. It is expressly provided that this Act shall not repeal or affect Article 1183 to Article 1187, both inclusive, Revised Civil Statutes of Texas, 1925, nor apply to any territories held by any city or town under the provisions of said Articles or the laws of which said Articles were a codification.

"ARTICLE IV

"Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Committee Substitute for  
H. B. No. 13 (Continued)

"ARTICLE V

"Emergency. The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days in each House be suspended and this Rule is hereby suspended and the Act shall take effect and be in force from and after its passage, and it is so enacted."

Austin, Texas  
April 16, 1963

Hon. Preston Smith  
President of the Senate  
Sir:

We, your Committee on COUNTIES, CITIES AND TOWNS, to whom was referred H. B. No. 13, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Dies, Chairman

ADOPTED

"A BILL  
TO BE ENTITLED

APR 16 1963

*J. Schuab*  
SECRETARY OF SENATE

"AN ACT regulating the authority of cities, towns and villages to annex territory; establishing the extraterritorial jurisdiction of cities, towns and villages; authorizing the exercise of certain powers by cities, towns and villages; providing for the disannexation of certain areas annexed by cities, towns and villages after the effective date of this Act under certain conditions; providing that all other laws and parts of laws relating to this subject shall not be repealed by the provisions of this Act unless they are expressly inconsistent and then only to the extent of such inconsistency; exempting Articles 1183 to 1187, both inclusive, Title 28, Revised Civil Statutes of Texas, 1925; amending Article 1175, Subdivision 2, of the Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency.

"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"ARTICLE I

"Section 1. Short Title. This Act is known and may be cited as the "Municipal Annexation Act."

"Sec 2. Definitions. For the purposes of this Article, the following words shall have the meanings ascribed to them:

A. "City" or "Cities" means any incorporated city, town or village in the State of Texas.

B. "Voters" means those persons qualified to vote under the laws of the State of Texas.

C. "Written consent" means consent expressed by an ordinance or resolution.

"Sec. 3. Establishing Extraterritorial Jurisdiction. A. In order to promote and protect the general health, safety, and welfare of persons residing within and adjacent to the cities of this State, the Legislature of the State of Texas declares it to be the policy of the State of Texas that the unincorporated area, not a part of any other city, which is contiguous to the

corporate limits of any city, to the extent described herein, shall comprise and be known as the extraterritorial jurisdiction of the various population classes of cities in the State and shall be as follows:

(1) The extraterritorial jurisdiction of any city having a population of less than five thousand (5,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one-half (1/2) mile of the corporate limits of such city.

(2) The extraterritorial jurisdiction of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand (25,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one (1) mile of the corporate limits of such city.

(3) The extraterritorial jurisdiction of any city having a population of twenty-five thousand (25,000) or more inhabitants, but less than fifty thousand (50,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within two (2) miles of the corporate limits of such city.

(4) The extraterritorial jurisdiction of any city having a population of fifty thousand (50,000) or more inhabitants, but less than one hundred thousand (100,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within three and one-half (3 1/2) miles of the corporate limits of such city.

(5) The extraterritorial jurisdiction of any city having a population of one hundred thousand (100,000) or more inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within five (5) miles of the corporate limits of such city.

B. In the event that on the effective date of this Act the area under

the extraterritorial jurisdiction of a city overlaps an area under the extraterritorial jurisdiction of one (1) or more other cities, such overlapped area may be apportioned by mutual agreement of the governing bodies of the cities concerned. Such agreement shall be in writing and shall be approved by an ordinance or resolution adopted by such governing bodies.

At any time after one hundred and eighty (180) days from the effective date of this Act, any city having an extraterritorial claim to such overlapping area shall have authority to file a plaintiff's petition in the district court of a judicial district, within which is located the largest city having an extraterritorial claim to such overlapped area, naming as parties defendant all cities having a claim to such overlapped area and praying that such overlapped area, to which it has mutual claim, be apportioned among the cities concerned. In effecting such apportionment, the district court shall consider the population densities and patterns of growth, transportation, topography, and land utilization in the cities concerned and in the overlapped area. The territory so apportioned to a city shall be contiguous to the extraterritorial jurisdiction of such city. In the event the extraterritorial jurisdiction of a city is totally overlapped, the territory so apportioned to such city shall be contiguous to the corporate boundaries of such city. Such territory so apportioned shall be in a substantially compact shape. Such overlapped area shall be apportioned among such cities in the same ratio (to one decimal) as the respective populations of the cities concerned bear to one another, but in such apportionment no city shall receive less than one-tenth (1/10) of such overlapping area. Provided, however, that any apportionment made under the provisions of this subsection shall give consideration to existing property lines, and no tract of land or adjoining tracts of land, under one ownership upon the effective

date of this Act and not exceeding one hundred and sixty (160) acres in size shall be apportioned so as to be within the extraterritorial jurisdiction of more than one city unless the landowner consents in writing to such apportionment.

C. When a city annexes additional territory, the extraterritorial jurisdiction of such city shall expand in conformity with such annexation and shall comprise an area around the new corporate limits of the city consistent with Subsection A of this Section. In addition, the extraterritorial jurisdiction of the city may be extended beyond the distance limitations imposed by Subsection A of this Section to include therein any territory contiguous to the otherwise existing extraterritorial jurisdiction of such city, provided the owner or owners of such contiguous territory request such expansion. However, in no event shall the expansion of the extraterritorial jurisdiction of a city, through annexation, or upon request, or because of increase in population of the city, conflict with the existing extraterritorial jurisdiction of another city. The extraterritorial jurisdiction of a city shall not be reduced without the written consent of the governing body of such city, except in cases of judicial apportionment of overlapping extraterritorial jurisdictions.

D. No city shall impose any tax in the area under the extraterritorial jurisdiction of such city, by reason of including such area within such extraterritorial jurisdiction.

"Sec. 4. Extension of Subdivision Ordinance Within the Extraterritorial Jurisdiction. The governing body of any city may extend by ordinance to all of the area under its extraterritorial jurisdiction the application of such city's ordinance establishing rules and regulations governing plats and the subdivision of land; provided, that any violation of any provision of any such ordinance outside the corporate limits of the city, but within such city's extra-



territorial jurisdiction, shall not constitute a misdemeanor under such ordinance nor shall any fine provided for in such ordinance be applicable to a violation within such extraterritorial jurisdiction. However, any city which extends the application of its ordinance establishing rules and regulations governing plats and the subdivision of land to the area under its extraterritorial jurisdiction shall have the right to institute an action in the district court to enjoin the violation of any provision of such ordinance in such extraterritorial jurisdiction, and the district court shall have the power to grant any or all types of injunctive relief in such cases.

"Sec. 5. Industrial Districts. The governing body of any city shall have the right, power, and authority to designate any part of the area located in its extraterritorial jurisdiction as an industrial district, as the term is customarily used, and to treat with such area from time to time as such governing body may deem to be in the best interest of the city. Included in such rights and powers of the governing body of any city is the permissive right and power to enter into contracts or agreements with the owner or owners of land in such industrial district to guarantee the continuation of the extraterritorial status of such district, and its immunity from annexation by the city for a period of time not to exceed seven (7) years, and upon such other terms and considerations as the parties might deem appropriate. Such contracts or agreements shall be evidenced in writing and may be renewed or extended for successive periods not to exceed seven (7) years each by such governing body and the owner or owners of land in such industrial district. Existing contracts or agreements of such nature, recognized in or evidenced by an ordinance or resolution of the governing body of the contracting town or city, are hereby in all respects validated as of the date they were made, for the extent of their term or for seven (7) years from the date made, which-

ever is shorter.

"Sec. 6. Notice and Hearing - Annexation Proceedings. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at a public hearing to be held not more than twenty (20) days nor less than ten (10) days prior to institution of such proceedings. Notice of such hearing shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the hearing. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the governing body of such city institutes annexation proceedings or be null and void. Provided, however, any period of time during which a city is restrained or enjoined from annexing any such territory by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

"Sec. 7. Limitation on Annexations. A. A city may annex territory only within the confines of its extraterritorial jurisdiction; provided, however, that such limitation shall not apply to the annexation of property owned by the city annexing the same.

B. A city may annex in any one calendar year only territory equivalent in size to ten per cent (10%) of the total corporate area of such city as of the first day of that calendar year. In computing the total amount of territory which may be annexed in any one (1) calendar year, there shall be excluded from such ten per cent (10%) the following: (1) territory caused to be annexed by a request of a majority of the qualified resident voters in the territory and the owners of fifty per cent (50%) or more of the land in the territory, (2) territory annexed which is owned by the city, the county, the State, or the

Federal government which is used for a public purpose, (3) territory annexed at the request of a majority of the voters residing in such territory, and (4) territory annexed at the request of the owner or owners thereof.

C. In the event a city fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in subsequent calendar years. A city, utilizing the power granted under this subsection, may not annex in any one calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of the calendar year.

D. All annexation proceedings by cities which are pending on <sup>or until 60 days after MARCH 15,</sup> ~~April 9,~~ 1963, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days after the effective date of this Act or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

Amendment No. 1  
①  
→ E.

"Sec. 8. Limitations on Creation of Political Subdivisions Within the

Extraterritorial Jurisdiction. A. No city may be incorporated within the area of the extraterritorial jurisdiction of any city without the written consent of the governing body of such city. Should such governing body refuse to grant permission for the incorporation of such proposed city, a majority of the resident voters, if any, in the territory of such proposed city and the owners of fifty per cent (50%) or more of the land in such proposed city may petition the governing body of such city and request annexation by such city. Should the governing body of such city fail or refuse to annex the area of such proposed city within six (6) months from the date of receipt of such petition, proof of such failure or refusal shall constitute authorization for the incorporation

of such proposed city insofar as the purposes of this subsection are concerned. Written consent or authorization for the incorporation of a proposed city, insofar as the provisions of this subsection are concerned, shall mean only authorization to initiate incorporation proceedings for such proposed city as otherwise provided by law. The provisions of this subsection shall apply only to the area of a proposed city which lies within the extraterritorial jurisdiction of such city.

B. No political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services may be created within the area of the extraterritorial jurisdiction of any city without the written consent of such city. Should the governing body of such city fail or refuse to grant permission for the creation of such proposed political subdivision within sixty (60) days after receipt of a written request for same, a majority of the qualified resident voters in the territory of such proposed political subdivision and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision may petition the governing body of such city and request such city to make available to such territory the water or sanitary sewer service contemplated by the proposed political subdivision. Should the governing body of the city and a majority of the qualified resident voters and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision fail to execute a mutually agreeable contract providing for the water or sanitary sewer service requested within six (6) months after receipt of such petition, such failure shall constitute authorization for the creation of the proposed political subdivision insofar as the provisions of this subsection are concerned. Authorization for the creation of the proposed political subdivision, insofar as the provisions of this subsection are concerned, shall mean only authorization to initiate proceedings to

create such political subdivision as otherwise provided by law. The provisions of this subsection shall apply only to the area of such proposed political subdivision which lies within the extraterritorial jurisdiction of such city.

This subsection shall not apply to any such proposed political subdivision where a valid petition seeking its creation has been filed with the county clerk or other legally designated authority prior to the effective date of this Act.

C. If authorization to initiate incorporation proceedings for a proposed city is obtained under the provisions of Subsection A of this Section, such incorporation must be initiated within six (6) months of the date of such authorization and such incorporation must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such incorporation proceedings or to finally complete the incorporation of such proposed city within such allotted periods of time shall terminate such authorization. If authorization to initiate proceedings to create a proposed political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial purposes or the furnishing of sanitary sewer services is obtained under the provisions of Subsection B of this Section, such proceedings seeking the creation of such a political subdivision must be initiated within six (6) months of the date of such authorization and such proposed political subdivision must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such proceedings seeking the creation of such political subdivision or to finally complete the creation of such proposed political subdivision within such allotted periods of time shall terminate such authorization.

"Sec. 9. Petition for Annexation or Services. The petition for annexation provided for in Subsection A of Section 8 of this Article and the petition requesting the availability of services provided for in Subsection B of Section 8

of this Article shall be made by the voters and landowners signing and presenting to the city secretary or clerk a written petition requesting annexation or requesting such services. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt, exemption certificate, or such other voter registration certificate that may be provided for by law. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the territory. The petition shall describe the territory to be annexed or the territory to which such services are requested to be made available and have attached to it a plat of the territory. Prior to circulating the petition for annexation or such services among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory and by publishing it for one (1) issue in a newspaper of general circulation serving the territory at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary or clerk: (1) the sworn affidavit of any voter who signed the petition, stating the places where and the dates when the petition was posted; and (2) the sworn affidavit of the publisher of the newspaper setting forth the name of the newspaper and the issue and date when the notice was published; (3) in addition, there shall be attached to the petition the sworn affidavit of three (3) or more voters signing the petition, if there be that many, stating the total number of voters

residing in the territory and the approximate total acreage within the territory.

"Sec. 10. Disannexation. A. From and after the effective date of this Act, any city annexing a particular area shall within three (3) years of the effective date of such annexation provide or cause to be provided such area with governmental and proprietary services, the standard and scope of which are substantially equivalent to the standard and scope of governmental and proprietary services furnished by such city in other areas of such city which have characteristics of topography, patterns of land utilization, and population density similar to that of the particular area annexed. In the event a city fails or refuses to provide or cause to be provided such services within the time specified herein, a majority of the qualified voters residing within such particular annexed area and the owners of fifty per cent (50%) or more of the land in such particular annexed area, which area must adjoin the outer boundaries of the city, may petition the governing body of such city to disannex such particular annexed area. Should the governing body of such city fail or refuse to disannex such particular annexed area within ninety (90) days after receipt of a valid petition, any one or more of the signers of such petition may, within sixty (60) days of the date of such failure or refusal, file in a district court of the district in which such city is located an action requesting that the particular annexed area be disannexed. Upon the filing of an answer in such cause by the governing body of such city, and upon application of either party, the case shall be advanced and heard without further delay, all in accordance with the Texas Rules of Civil Procedure. Upon hearing of the case, if the district court finds that a valid petition was filed with the city, that the particular annexed area is otherwise eligible for disannexation under the provisions of this Section, and that the standard and scope of governmental and proprietary services provided or caused to be provided to such particular

annexed area are not substantially equivalent to the standard and scope of governmental and proprietary services provided or caused to be provided other areas of such city having characteristics of topography, patterns of land utilization and population density similar to that of the particular annexed area, it shall enter an order disannexing such particular annexed area. Provided, however, that the right of disannexation provided for in this Section shall not be available to any particular annexed area which was lawfully within the city limits of a city at the time of the approval or sale of any general obligation bonds of the city if proceeds therefrom have been expended for capital improvements to serve such particular annexed area, so long as any such bonds are outstanding.

B. When any such area is disannexed under the provisions of this Section, it shall not again be annexed within one (1) year of such disannexation, and, if it is again annexed within three (3) years of disannexation, the period for affording such services as are required by this Section shall be one (1) year from reannexation rather than three (3) years as in other cases.

C. The request and petition for disannexation provided for in Subsection A of this Section of this Act shall be made by the qualified voters and landowners signing and presenting to the city secretary a written petition requesting disannexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt, exemption certificate, or such other voter registration certificate that may



be provided for by law. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the particular annexed area. The petition shall describe the particular annexed area to be disannexed and have attached to it a plat of the particular annexed area. Prior to circulating the petition for disannexation among the qualified voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the particular annexed area and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the particular annexed area at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary: (1) the sworn affidavit of any qualified voter who signed the petition stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date in which the notice was published. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there <sup>be</sup> by that many, stating the total number of qualified voters residing in the particular annexed area and the approximate total acreage within such particular annexed area.

## "ARTICLE II

"Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

'2. The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city and to provide for the exchange of territory with other cities or towns,

according to such rules as may be provided by said charter not inconsistent with the procedural rules prescribed by the Municipal Annexation Act. '

### "ARTICLE III

"Cumulative Clause. The provisions of this Act shall not repeal Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as last amended or any other law or part of law upon the subject of which the provisions of this Act relate unless they are expressly inconsistent and then only to the extent of such inconsistency. It is expressly provided that this Act shall not repeal or affect Article 1183 to Article 1187, both inclusive, Revised Civil Statutes of Texas, 1925, nor apply to any territories held by any city or town under the provisions of said Articles or the laws of which said Articles were a codification.

### "ARTICLE IV

"Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions <sup>of</sup> applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

### "ARTICLE V

"Emergency. The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days in each House be suspended, and this Rule is hereby suspended, and the Act shall take effect and be in force from and after its passage, and it is so enacted. "

Amendment No. \_\_\_\_\_  
to Committee Substitute  
for House Bill 13

By: Blanchard

Amend Committee Substitute for House Bill 13 by adding the  
words "or instituted after" at the end of line 24, page 4  
of the printed bill.

ADOPTED

APR 25 1963

Schnabel  
SECRETARY OF SENATE

APR 29 1963

The House has concurred in Senate amendments  
to House Bill No. 13 by vote of non-record  
\_\_\_\_\_ yeas: 1

Dorothy Hallman

Chief Clerk, House of Representatives

APR 29 1963

MOTION TO RECONSIDER THE VOTE BY  
WHICH House Concurred WAS  
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-  
SIDER PREVAILED PASSED BY A non-record VOTE OF

\_\_\_\_\_ YEAS AND \_\_\_\_\_ NAYES  
Dorothy Hallman  
CHIEF CLERK HOUSE OF REPRESENTATIVES

Amend  
7-11-63  
①

Amend Senate Committee Substitute for  
House Bill 13 by adding a new paragraph to Sec. 7  
to be known as paragraph E, to read as follows:

"E. No annexation shall change  
or have any effect on switching limits  
of railroads or any rates thereof."

Moffett

ADOPTED

APR 25 1963

Schnabel  
SECRETARY OF SENATE

#3

APR 29 1963

MOTION TO RECONSIDER THE VOTE BY  
WHICH House concurred WAS  
ADOPTED / ~~PASSED~~ AND TO TABLE THE MOTION TO RECON-  
SIDER PREVAILED ~~PASSED~~ BY A Not-Record VOTE  
AND  
Dorothy Hallman  
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 29 1963

The House has concurred in Senate amendments  
to House Bill No. 13 by vote of Not-Record ~~Yea~~,  
noes

Dorothy Hallman  
Chief Clerk, House of Representatives

APR 29 1963 SENT TO ENROLLING CLERK

m m  
104

Amend caption to conform to body  
of bill.

**ADOPTED**

**APR 25 1963**

*File*

*Schnabel*  
\_\_\_\_\_  
SECRETARY OF SENATE

APR 29 1963

The House has concurred in Senate amendment  
to House Bill No. 13 by vote of 200-164

*Dorothy Hallman*

Chief Clerk, House of Representatives

By: Grover

H. B. No. 13

A BILL TO BE ENTITLED

AN ACT

establishing the extraterritorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction, and regulating annexation by cities and towns both within and without such extraterritorial jurisdiction; invalidating certain annexation; prescribing certain limitations on and procedures concerning the incorporation of cities and creation of political subdivisions within extraterritorial areas and the furnishing of certain services within such areas; providing for the disannexation of certain areas annexed by cities and towns after the effective date of this Act under certain conditions; amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that this Act shall not repeal or affect certain laws nor apply to certain territories; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE I

Section 1. Definitions.

For the purposes of this Article, the following words shall have the meanings ascribed to them:

A. "City" or "Cities" means any incorporated city, town or village in the State of Texas regardless of population.

B. "Veterans" means those persons qualified to vote under the laws of the State of Texas. \_\_\_\_\_

C. "Written consent" of a city, town or village means consent expressed by an ordinance or resolution. \_\_\_\_\_

D. "Boundary" or "Boundaries" or "Limits" means the existing boundary lines of an incorporated city, town or village, as they may be from time to time. \_\_\_\_\_

Sec. 2. Establishing Extraterritorial Area. \_\_\_\_\_

A. In order to promote and protect the general health, safety, and welfare of persons residing within and adjacent to the cities of this State, the Legislature of the State of Texas declares it to be the policy of the State of Texas that the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of any city, to the extent described herein, shall comprise and be known as the extraterritorial area of the various population classes of cities in the State and shall be as follows: \_\_\_\_\_

(1) The extraterritorial area of any city having a population of less than five thousand (5,000) inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within one half (1/2) mile of the corporate limits of such city. \_\_\_\_\_

(2) The extraterritorial area of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand (25,000) inhabitants, according to the last \_\_\_\_\_



preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within one (1) mile of the corporate limits of such city.

(3) The extraterritorial area of any city having a population of twenty-five thousand (25,000) or more inhabitants, but less than fifty thousand (50,000) inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within two (2) miles of the corporate limits of such city.

(4) The extraterritorial area of any city having a population of fifty thousand (50,000) or more inhabitants, but less than one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within three and one half (3 1/2) miles of the corporate limits of such city.

(5) The extraterritorial area of any city having a population of one hundred thousand (100,000) or more inhabitants, according to the last preceding Federal Census, shall consist of all the contiguous unincorporated area, not a part of any other city, within five (5) miles of the corporate limits of such city.

B. In the event that on the effective date of this Act the extraterritorial area of a city overlaps the extraterritorial area of one (1) or more other cities, the area so overlapped may be apportioned by mutual agreement of the governing bodies of the cities concerned. Such agreement shall be in writing and shall be approved by an ordinance or resolution adopted by such governing bodies.

At any time after one hundred and eighty (180) days from the effective date of this Act, any city having an extraterritorial claim to such overlapping area shall have authority to file a plaintiff's petition in the district court of a judicial district, within which is located the largest city having an extraterritorial claim to the same overlapped area, naming as parties defendant all cities having a claim to such overlapped area and praying that such overlapped area, to which it has mutual claim, be apportioned among the cities concerned. In effecting such apportionment, the district court shall consider the population densities and patterns of growth, transportation, land utilization in the cities concerned and in the overlapped area, and property lines. The territory so apportioned to a city shall be contiguous to the extraterritorial area of such city. In the event the extraterritorial area of a city is totally overlapped, the territory so apportioned to such city shall be contiguous to the corporate boundaries of such city. Such territory so apportioned shall be in a substantially compact shape. Such overlapped area shall be apportioned among such cities in the same ratio (to one decimal) as the respective populations, according to the last preceding Federal Census, of the cities concerned bear to one another, but in such apportionment no city shall receive less than one-tenth ( $1/10$ ) of such overlapping area. Provided, however, that any apportionment made under this Subsection B shall give due consideration to existing property ownership lines, and no tract of land or contiguous tracts of land, under one ownership upon the effective date of this Act and not \_\_\_\_\_

exceeding one hundred and sixty (160) acres in size shall be apportioned so as to lie within the extraterritorial area of more than one city, without the written consent of the landowner.

C. Once established as provided in Sections 2A and B of this Act, the extraterritorial area of a city may not be diminished without the written consent of the governing body of such city due to the extension of the corporate limits or extraterritorial area of any other city. However, the extraterritorial area of a city may be expanded beyond the distance limitations imposed by Section 2A of this Act to include therein any land contiguous to the otherwise extraterritorial area of such city provided that the owner or owners of such land request such expansion and provided that the same does not conflict with existing boundaries or extraterritorial area of another city.

D. When a city annexes additional territory, the extraterritorial area of such city shall expand in conformity with such annexation and shall comprise an area around the new boundaries of the city consistent with Section 2A hereof. Provided, however, that such expansion shall not conflict with existing boundaries or extraterritorial area of another city without the written consent of the governing body of such other city.

E. No city shall impose or collect any tax in the extraterritorial area of such city as long as it remains in such status.

F. It shall not be mandatory for the city to embrace all of the territory which could be embraced within the area that is defined elsewhere in this Act as its extraterritorial jurisdiction. Before any territory shall be in such status its bounds must be

defined by the governing body of the city which shall then cause to be prepared a map or plat, together with a description of such area, describing such extraterritorial area, and such map or plat, together with such description, shall be published in a newspaper having general circulation within the county or counties involved in order that the area be considered extraterritorial jurisdiction under the definition of this Act.

Sec. 3. The governing body of any city shall have the power to specify minimum standards on streets, curbs and gutters, water mains, sewer lines, and drainage for all of the area within its extraterritorial area, such standards to be substantially equivalent to those established for other areas of said city.

Sec. 4. Industrial District.

The governing body of any city shall have the right, power, and authority to designate any part of the area located in its extraterritorial area as an industrial district, as the term is customarily used, and to treat with such area from time to time as such governing body may deem to be in the best interest of the city. Included in such rights and powers of the governing body of any city, is the permissive right and power to enter into contracts or agreements with the owner or owners of land in such industrial district to guarantee the continuation of the extraterritorial status of such districts, and/or its immunity from annexation by the city for a period of time not to exceed seven (7) years, and upon such other terms and consideration as the parties might deem appropriate. Such contracts or agreements shall be evidenced in writing and may be renewed or extended for

successive periods not to exceed seven (7) years each by such governing body and the owner or owners of land in such industrial district. Existing contracts or agreements of such nature, recognized in or evidenced by an ordinance or resolution of the governing body of the contracting city, are hereby in all respects validated as of the date they were made, for the extent of their term or from seven (7) years from the date made, whichever is shorter.

Sec. 5. Annexation Proceedings.

A. A city may annex territory only within the confines of its extraterritorial area, provided, however, that such limitation shall not apply to the annexation of property owned by the city annexing the same.

B. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at a public hearing to be held not more than twenty (20) days nor less than ten (10) days prior to institution of such proceedings. Notice of such hearing shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the hearing. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the governing body of such city institutes annexation proceedings or be null and void. Provided, however, that any period of time during which a city is

restrained or enjoined from annexing any such territory by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

C. All annexation proceedings by cities which are pending on March 15, 1963, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days of such date or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

D. No annexation accomplished hereunder shall change or have any effect upon any switching limits of railroads, or upon any rules, regulations, rate publications or tariffs issued or approved by the Railroad Commission of Texas.

Sec. 6. Limitation on Annexations in Any One Year.

A. A city may annex in any one (1) calendar year only territory equivalent in size to ten per cent (10%) of the total corporate area of such city as of the first day of that calendar year. In addition to such ten per cent (10%), a city may annex the following:

(1) territory caused to be annexed by a request of a majority of the qualified resident voters in the territory and the owners of fifty per cent (50%) or more of the land in the territory, (2) territory which is owned by the city, the county, the State, or the Federal Government; and is annexed with the consent of the county, the State, or the Federal Government.

B. In the event a city fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in subsequent calendar years. A city, utilizing the power granted under this Subsection, may not annex in any one (1) calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of the calendar year.

Sec. 7. Limitations on Creation of Political Subdivisions Within the Extraterritorial Area.

A. No city may be incorporated within the area of the extraterritorial area of any city without the written consent of the governing body of such city. Should such governing body refuse to grant permission for the incorporation of such proposed city, a majority of the qualified resident voters, if any, in the territory of such proposed city and the owners of fifty per cent (50%) or more of the land in such proposed city may petition the governing body of such city and request annexation by such city. Should the governing body of such city fail or refuse to annex the area of such proposed city within six (6) months from the date of receipt of such petition, proof of such failure or refusal shall constitute authorization for the creation of such proposed city insofar as the purposes of this Subsection are concerned. The provisions of this Subsection shall apply only to the area of a proposed city which lies within the extraterritorial area of such city.

B. No political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services may be created within the area of the extraterritorial jurisdiction of any city without the written consent of such city. Should the governing body of such city fail or refuse to grant permission for the creation of such proposed political subdivision within thirty (30) days after receipt of a written request for same, a majority of the qualified resident voters in the territory of such proposed political subdivision and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision may petition the governing body of such city and request such city to make available to such territory the water or sanitary sewer service contemplated by the proposed political subdivision. Should the governing body of the city and a majority of the qualified resident voters and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision fail to execute a mutually agreeable contract providing for the water or sanitary sewer service requested within six (6) months after receipt of such petition, such failure shall constitute an authorization for the creation of the proposed political subdivision insofar as the provisions of this Subsection are concerned. The provisions of this Subsection shall apply only to the area of such proposed political subdivision which lies within the extraterritorial area of such city.

This Subsection shall not apply to any such proposed political subdivision where a valid petition seeking its creation



has been filed with the county clerk or other legally designated authority prior to the effective date of this Act.

6. Any proposed city gaining authorization to be incorporated, under the provisions of Subsection A of this Section, shall initiate proceedings for such incorporation within six (6) months of the date of such authorization. Failure to initiate such proceedings within six (6) months of such date shall cause such authorization to be terminated. Failure to complete such incorporation proceedings within eighteen (18) months, of the date of authorization, shall cause such authorization to be terminated. Any proposed political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services gaining authorization to be created, under the provisions of B of this Section, shall initiate proceedings for such creation within six (6) months of the date of such authorization. Failure to initiate such proceedings within six (6) months of the date of authorization shall cause such authorization to be terminated. Failure to complete such proceedings within eighteen (18) months, of the date of authorization, shall cause such authorization to be terminated.

Sec. 8. Petition for Annexation or Services.

The petition for annexation provided for in Subsection A of Section 7 of this Article and the petition requesting the availability of services provided for in Subsection B of Section 7 of this Article shall be made by the voters and landowners signing and presenting to the city secretary or clerk a written petition requesting annexation or requesting such services. The signatures to the petition need not be appended to one paper, but each signer

shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the territory. The petition shall describe the territory to be annexed or the territory to which such services are requested to be made available and have attached to it a plat of the territory. Prior to circulating the petition for annexation or such services among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory and by publishing it for one (1) issue in a newspaper of general circulation serving the territory at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary or clerk: (1) the sworn affidavit of any voter who signed the petition, stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper setting forth the name of the newspaper and the issue and date when the notice was published; (3) in addition, there shall be attached to the petition the sworn affidavit of three (3) or more voters signing the petition, if there be that many,

stating the total number of voters residing in the territory and the approximate total acreage within the territory.

Sec. 9. Disannexation.

A. From and after the effective date of this Act, any city annexing a particular area shall within three (3) years of the effective date of such annexation provide or cause to be provided such area with governmental and proprietary services, the standard and scope of which are substantially equivalent to the standard and scope of governmental and proprietary services furnished by such city in other areas of such city which have characteristics of topography, patterns of land utilization, and population density similar to that of the particular area annexed. In the event a city fails or refuses to provide or cause to be provided such services within the time specified herein, a majority of the qualified voters residing within such particular annexed area and the owners of fifty per cent (50%) or more of the land in such particular annexed area, which area must adjoin the outer boundaries of the city, may petition the governing body of such city to disannex such particular annexed area. Should the governing body of such city fail or refuse to disannex such particular annexed area within ninety (90) days after receipt of a valid petition, any one or more of the signers of such petition may, within sixty (60) days of the date of such failure or refusal, file in a district court of the district in which such city is located an action requesting that the particular annexed area be disannexed. Upon the filing of an answer in such cause by the governing body of such city, and upon application of either party, the case shall be advanced and

heard without further delay, all in accordance with the Texas Rules of Civil Procedure. Upon hearing of the case, if the district court finds that a valid petition was filed with the city, that the particular annexed area is otherwise eligible for disannexation under the provisions of this Section, and that the standard and scope of governmental and proprietary services provided or caused to be provided to such particular annexed area are not substantially equivalent to the standard scope of governmental and proprietary services provided or caused to be provided other areas of such city having characteristics of topography, patterns of land utilization and population density similar to that of the particular annexed area, it shall enter an order disannexing such particular annexed area. Provided, however, that the right of disannexation provided for in this Section shall not be available to any particular annexed area which was lawfully within the city limits of a city at the time of the approval or sale of any general obligation bonds of the city if proceeds therefrom have been expended for capital improvements to serve such particular annexed area, so long as any such bonds are outstanding.

B. When any such area is disannexed under the provisions of this Section, it shall not again be annexed within one (1) year of such disannexation, and, if it is again annexed within three (3) years of disannexation, the period for affording such services as are required by this Section shall be one (1) year from reannexation rather than three (3) years as in other cases.

C. The request and petition for disannexation provided for in Section 9 of this Act shall be made by the qualified voters and

landowners signing and presenting to the city secretary a written petition requesting disannexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt or exemption certificate. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the particular annexed area. The petition shall describe the particular annexed area to be disannexed and have attached to it a plat of the particular annexed area. Prior to circulating the petition for disannexation among the qualified voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the particular annexed area and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the particular annexed area at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary: (1) the sworn affidavit of any qualified voter who signed the petition stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or

newspapers and the issue and date in which the notice was published. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there be that many, stating the total number of qualified voters residing in the particular annexed area and the approximate total acreage within such particular annexed area.

ARTICLE II

Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"2. The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city and to provide for the exchange of territory with other cities or towns, according to such rules as may be provided by said charter not inconsistent with the procedural rules prescribed by this Act."

ARTICLE III

The provisions of this Act shall not repeal any law or part of law upon the subject of which the provisions of this Act relate unless they are especially inconsistent. It is expressly provided that this Act shall not repeal or affect Article 1183 to Article 1187, both inclusive, Revised Civil Statutes of Texas, 1925, nor apply to any territories held by any city or town under the provisions of said Articles or the laws of which said Articles were a codification.

ARTICLE IV

If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared severable.

ARTICLE V

The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and this Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

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## AN ACT

regulating the authority of cities, towns and villages to annex territory; establishing the extraterritorial jurisdiction of cities, towns and villages; authorizing the exercise of certain powers by cities, towns and villages; providing for the disannexation of certain areas annexed by cities, towns and villages after the effective date of this Act under certain conditions; providing that all other laws and parts of laws relating to this subject shall not be repealed by the provisions of this Act unless they are expressly inconsistent and then only to the extent of such inconsistency; exempting Articles 1183 to 1187, both inclusive, Title 28, Revised Civil Statutes of Texas, 1925; amending Article 1175, Subdivision 2, of the Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

## ARTICLE I

Section 1. Short Title. This Act is known and may be cited as the "Municipal Annexation Act."

Sec. 2. Definitions. For the purposes of this Article, the following words shall have the meanings ascribed to them:

A. "City" or "Cities" means any incorporated city, town or village in the State of Texas.

B. "Voters" means those persons qualified to vote under the laws of the State of Texas.

C. "Written consent" means consent expressed by an ordinance or resolution.



Sec. 3. Establishing Extraterritorial Jurisdiction. A. In order to promote and protect the general health, safety, and welfare of persons residing within and adjacent to the cities of this State, the Legislature of the State of Texas declares it to be the policy of the State of Texas that the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of any city, to the extent described herein, shall comprise and be known as the extraterritorial jurisdiction of the various population classes of cities in the State and shall be as follows:

(1) The extraterritorial jurisdiction of any city having a population of less than five thousand (5,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one half (1/2) mile of the corporate limits of such city.

(2) The extraterritorial jurisdiction of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand (25,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one (1) mile of the corporate limits of such city.

(3) The extraterritorial jurisdiction of any city having a population of twenty-five thousand (25,000) or more inhabitants, but less than fifty thousand (50,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within two (2) miles of the corporate limits of such city.

(4) The extraterritorial jurisdiction of any city having a population of fifty thousand (50,000) or more inhabitants, but less

than one hundred thousand (100,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within three and one half (3 1/2) miles of the corporate limits of such city.

(5) The extraterritorial jurisdiction of any city having a population of one hundred thousand (100,000) or more inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within five (5) miles of the corporate limits of such city.

B. In the event that on the effective date of this Act the area under the extraterritorial jurisdiction of a city overlaps an area under the extraterritorial jurisdiction of one or more other cities, such overlapped area may be apportioned by mutual agreement of the governing bodies of the cities concerned. Such agreement shall be in writing and shall be approved by an ordinance or resolution adopted by such governing bodies.

At any time after one hundred and eighty (180) days from the effective date of this Act, any city having an extraterritorial claim to such overlapping area shall have authority to file a plaintiff's petition in the district court of a judicial district, within which is located the largest city having an extraterritorial claim to such overlapped area, naming as parties defendant all cities having a claim to such overlapped area and praying that such overlapped area, to which it has mutual claim, be apportioned among the cities concerned. In effecting such apportionment, the district court shall consider the population densities and patterns of

growth, transportation, topography, and land utilization in the cities concerned and in the overlapped area. The territory so apportioned to a city shall be contiguous to the extraterritorial jurisdiction of such city. In the event the extraterritorial jurisdiction of a city is totally overlapped, the territory so apportioned to such city shall be contiguous to the corporate boundaries of such city. Such territory so apportioned shall be in a substantially compact shape. Such overlapped area shall be apportioned among such cities in the same ratio (to one decimal) as the respective populations of the cities concerned bear to one another, but in such apportionment no city shall receive less than one-tenth ( $1/10$ ) of such overlapping area. Provided, however, that any apportionment made under the provisions of this Subsection shall give consideration to existing property lines, and no tract of land or adjoining tracts of land, under one ownership upon the effective date of this Act and not exceeding one hundred and sixty (160) acres in size shall be apportioned so as to be within the extraterritorial jurisdiction of more than one city unless the landowner consents in writing to such apportionment.

C. When a city annexes additional territory, the extraterritorial jurisdiction of such city shall expand in conformity with such annexation and shall comprise an area around the new corporate limits of the city consistent with Subsection A of this Section. In addition, the extraterritorial jurisdiction of the city may be extended beyond the distance limitations imposed by Subsection A of this Section to include therein any territory

contiguous to the otherwise existing extraterritorial jurisdiction of such city, provided the owner or owners of such contiguous territory request such expansion. However, in no event shall the expansion of the extraterritorial jurisdiction of a city, through annexation, or upon request, or because of increase in population of the city, conflict with the existing extraterritorial jurisdiction of another city. The extraterritorial jurisdiction of a city shall not be reduced without the written consent of the governing body of such city, except in cases of judicial apportionment of overlapping extraterritorial jurisdictions.

D. No city shall impose any tax in the area under the extraterritorial jurisdiction of such city, by reason of including such area within such extraterritorial jurisdiction.

Sec. 4. Extension of Subdivision Ordinance Within the Extraterritorial Jurisdiction. The governing body of any city may extend by ordinance to all of the area under its extraterritorial jurisdiction the application of such city's ordinance establishing rules and regulations governing plats and the subdivision of land; provided, that any violation of any provision of any such ordinance outside the corporate limits of the city, but within such city's extraterritorial jurisdiction, shall not constitute a misdemeanor under such ordinance nor shall any fine provided for in such ordinance be applicable to a violation within such extraterritorial jurisdiction. However, any city which extends the application of its ordinance establishing rules and regulations governing plats and the subdivision of land to the area under its extraterritorial

jurisdiction shall have the right to institute an action in the district court to enjoin the violation of any provision of such ordinance in such extraterritorial jurisdiction, and the district court shall have the power to grant any or all types of injunctive relief in such cases.

Sec. 5. Industrial Districts. The governing body of any city shall have the right, power, and authority to designate any part of the area located in its extraterritorial jurisdiction as an industrial district, as the term is customarily used, and to treat with such area from time to time as such governing body may deem to be in the best interest of the city. Included in such rights and powers of the governing body of any city is the permissive right and power to enter into contracts or agreements with the owner or owners of land in such industrial district to guarantee the continuation of the extraterritorial status of such district, and its immunity from annexation by the city for a period of time not to exceed seven (7) years, and upon such other terms and considerations as the parties might deem appropriate. Such contracts or agreements shall be evidenced in writing and may be renewed or extended for successive periods not to exceed seven (7) years each by such governing body and the owner or owners of land in such industrial district. Existing contracts or agreements of such nature, recognized in or evidenced by an ordinance or resolution of the governing body of the contracting town or city, are hereby in all respects validated as of the date they were made, for the extent of their term or for seven (7) years from the date made, whichever is shorter.

**Sec. 6. Notice and Hearing - Annexation Proceedings.** Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at a public hearing to be held not more than twenty (20) days nor less than ten (10) days prior to institution of such proceedings. Notice of such hearing shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the hearing. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the governing body of such city institutes annexation proceedings or be null and void. Provided, however, any period of time during which a city is restrained or enjoined from annexing any such territory by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

**Sec. 7. Limitation on Annexations.** A. A city may annex territory only within the confines of its extraterritorial jurisdiction; provided, however, that such limitation shall not apply to the annexation of property owned by the city annexing the same.

B. A city may annex in any one calendar year only territory equivalent in size to ten per cent (10%) of the total corporate area of such city as of the first day of that calendar year. In computing the total amount of territory which may be annexed in any one (1) calendar year, there shall be excluded from such ten per cent (10%) the following: (1) territory caused to be annexed by a request of a majority of the qualified resident voters in the

territory and the owners of fifty per cent (50%) or more of the land in the territory, (2) territory annexed which is owned by the city, the county, the State, or the Federal Government which is used for a public purpose, (3) territory annexed at the request of a majority of the voters residing in such territory, and (4) territory annexed at the request of the owner or owners thereof.

C. In the event a city fails in any calendar year or years to annex the total amount of territory which it is authorized to annex in such calendar year or years, such unused allocation may be carried over and used in subsequent calendar years. A city, utilizing the power granted under this Subsection, may not annex in any one calendar year an amount of territory in excess of thirty per cent (30%) of its total area as of the first day of the calendar year.

D. All annexation proceedings by cities which are pending on or instituted after March 15, 1963, shall be subject to the limitations as to size and extent of area imposed by this Act and shall be brought to completion within ninety (90) days after the effective date of this Act or be null and void. Provided, however, any period of time during which a city is enjoined or restrained from completing such annexation proceedings by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period.

E. No annexation shall change or have any effect on switching limits of railroads or any rates thereof.

Sec. 8. Limitations on Creation of Political Subdivisions Within the Extraterritorial Jurisdiction. A. No city may be incorporated within the area of the extraterritorial jurisdiction of any city without the written consent of the governing body of such city. Should such governing body refuse to grant permission for the incorporation of such proposed city, a majority of the resident voters, if any, in the territory of such proposed city and the owners of fifty per cent (50%) or more of the land in such proposed city may petition the governing body of such city and request annexation by such city. Should the governing body of such city fail or refuse to annex the area of such proposed city within six (6) months from the date of receipt of such petition, proof of such failure or refusal shall constitute authorization for the incorporation of such proposed city insofar as the purposes of this Subsection are concerned. Written consent or authorization for the incorporation of a proposed city, insofar as the provisions of this Subsection are concerned, shall mean only authorization to initiate incorporation proceedings for such proposed city as otherwise provided by law. The provisions of this Subsection shall apply only to the area of a proposed city which lies within the extraterritorial jurisdiction of such city.



B. No political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services may be created within the area of the extraterritorial jurisdiction of any city without the written consent of such city. Should the governing body of such city fail or refuse to grant permission for the creation of such proposed political subdivision within sixty (60) days after receipt of a written request for same, a majority of the qualified resident voters in the territory of such proposed political subdivision and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision may petition the governing body of such city and request such city to make available to such territory the water or sanitary sewer service contemplated by the proposed political subdivision. Should the governing body of the city and a majority of the qualified resident voters and the owner or owners of fifty per cent (50%) or more of the land in such proposed political subdivision fail to execute a mutually agreeable contract providing for the water or sanitary sewer service requested within six (6) months after receipt of such petition, such failure shall constitute authorization for the creation of the proposed political subdivision insofar as the provisions of this Subsection are concerned. Authorization for the creation of the proposed political subdivision, insofar as the provisions of this Subsection are concerned, shall mean only authorization to initiate proceedings to create such political subdivision as otherwise provided by law. The provisions of this Subsection shall apply only

to the area of such proposed political subdivision which lies within the extraterritorial jurisdiction of such city.

This Subsection shall not apply to any such proposed political subdivision where a valid petition seeking its creation has been filed with the county clerk or other legally designated authority prior to the effective date of this Act.

C. If authorization to initiate incorporation proceedings for a proposed city is obtained under the provisions of Subsection A of this Section, such incorporation must be initiated within six (6) months of the date of such authorization and such incorporation must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such incorporation proceedings or to finally complete the incorporation of such proposed city within such allotted periods of time shall terminate such authorization. If authorization to initiate proceedings to create a proposed political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial purposes or the furnishing of sanitary sewer services is obtained under the provisions of Subsection B of this Section, such proceedings seeking the creation of such a political subdivision must be initiated within six (6) months of the date of such authorization and such proposed political subdivision must be finally completed within eighteen (18) months of the date of such authorization. Failure either to initiate such proceedings seeking the creation of such political subdivision or to finally complete the creation of such proposed political subdivision within such allotted periods of time shall terminate such authorization.

Sec. 9. Petition for Annexation or Services. The petition for annexation provided for in Subsection A of Section 8 of this Article and the petition requesting the availability of services provided for in Subsection B of Section 8 of this Article shall be made by the voters and landowners signing and presenting to the city secretary or clerk a written petition requesting annexation or requesting such services. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt, exemption certificate, or such other voter registration certificate that may be provided for by law. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the territory. The petition shall describe the territory to be annexed or the territory to which such services are requested to be made available and have attached to it a plat of the territory. Prior to circulating the petition for annexation or such services among the voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the territory and by publishing it for one (1) issue in a newspaper of general circulation serving the territory at least fifteen (15) days prior

to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary or clerk: (1) the sworn affidavit of any voter who signed the petition, stating the places where and the dates when the petition was posted; and (2) the sworn affidavit of the publisher of the newspaper setting forth the name of the newspaper and the issue and date when the notice was published; (3) in addition, there shall be attached to the petition the sworn affidavit of three (3) or more voters signing the petition, if there be that many, stating the total number of voters residing in the territory and the approximate total acreage within the territory.

Sec. 10. Disannexation. A. From and after the effective date of this Act, any city annexing a particular area shall within three (3) years of the effective date of such annexation provide or cause to be provided such area with governmental and proprietary services, the standard and scope of which are substantially equivalent to the standard and scope of governmental and proprietary services furnished by such city in other areas of such city which have characteristics of topography, patterns of land utilization, and population density similar to that of the particular area annexed. In the event a city fails or refuses to provide or cause to be provided such services within the time specified herein, a majority of the qualified voters residing within such particular annexed area and the owners of fifty per cent (50%) or more of the land in such particular annexed area, which area must adjoin the

outer boundaries of the city, may petition the governing body of such city to disannex such particular annexed area. Should the governing body of such city fail or refuse to disannex such particular annexed area within ninety (90) days after receipt of a valid petition, any one or more of the signers of such petition may, within sixty (60) days of the date of such failure or refusal, file in a district court of the district in which such city is located an action requesting that the particular annexed area be disannexed. Upon the filing of an answer in such cause by the governing body of such city, and upon application of either party, the case shall be advanced and heard without further delay, all in accordance with the Texas Rules of Civil Procedure. Upon hearing of the case, if the district court finds that a valid petition was filed with the city, that the particular annexed area is otherwise eligible for disannexation under the provisions of this Section, and that the standard and scope of governmental and proprietary services provided or caused to be provided to such particular annexed area are not substantially equivalent to the standard and scope of governmental and proprietary services provided or caused to be provided other areas of such city having characteristics of topography, patterns of land utilization and population density similar to that of the particular annexed area, it shall enter an order disannexing such particular annexed area. Provided, however, that the right of disannexation provided for in this Section shall not be available to any particular annexed area which was lawfully within the city limits of a city at the time of the approval or

sale of any general obligation bonds of the city if proceeds therefrom have been expended for capital improvements to serve such particular annexed area, so long as any such bonds are outstanding.

B. When any such area is disannexed under the provisions of this Section, it shall not again be annexed within one (1) year of such disannexation, and, if it is again annexed within three (3) years of disannexation, the period for affording such services as are required by this Section shall be one (1) year from reannexation rather than three (3) years as in other cases.

C. The request and petition for disannexation provided for in Subsection A of this Section of this Act shall be made by the qualified voters and landowners signing and presenting to the city secretary a written petition requesting disannexation. The signatures to the petition need not be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil, and each signer signing the petition as a qualified voter shall sign his or her name as it appears on the official copy of the current poll list or an official copy of the current list of exempt voters and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her poll tax receipt, exemption certificate, or such other voter registration certificate that may be provided for by law. Each landowner signing the petition shall note thereon opposite his or her name the approximate total acreage he or she owns within the particular annexed area. The petition shall describe the particular annexed area to be disannexed and have

attached to it a plat of the particular annexed area. Prior to circulating the petition for disannexation among the qualified voters and landowners, notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the particular annexed area and by publishing it for one (1) issue in a newspaper or newspapers of general circulation serving the particular annexed area at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary: (1) the sworn affidavit of any qualified voter who signed the petition stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date in which the notice was published. In addition, there shall be attached to the petition the sworn affidavit of three (3) or more qualified voters signing the petition, if there be that many, stating the total number of qualified voters residing in the particular annexed area and the approximate total acreage within such particular annexed area.

## ARTICLE II

Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"2. The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city and to

provide for the exchange of territory with other cities or towns, according to such rules as may be provided by said charter not inconsistent with the procedural rules prescribed by the Municipal Annexation Act."

#### ARTICLE XII

**Cumulative Clause.** The provisions of this Act shall not repeal Chapter 231, Acts of the Fortieth Legislature, Regular Session, 1927, as last amended or any other law or part of law upon the subject of which the provisions of this Act relate unless they are expressly inconsistent and then only to the extent of such inconsistency. It is expressly provided that this Act shall not repeal or affect Article 1183 to Article 1187, both inclusive, Revised Civil Statutes of Texas, 1925, nor apply to any territories held by any city or town under the provisions of said Articles or the laws of which said Articles were a codification.

#### ARTICLE IV

**Severability.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

#### ARTICLE V

**Emergency.** The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the



H. B. No. 13

Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and the Act shall take effect and be in force from and after its passage, and it is so enacted.

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President of the Senate

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Speaker of the House

I hereby certify that H. B. No. 13 was passed by the House on March 25, 1963, by a non-record vote; and that the House concurred in Senate amendments to H. B. No. 13, on April 29, 1963, by a non-record vote.

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Chief Clerk of the House

I hereby certify that H. B. No. 13 was passed by the Senate, as amended, on April 25, 1963, by a viva-voce vote.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF THE SENATE  
MAY 14 1963  
2:45  
J.M.

Crawford C. Martin  
Secretary of the Senate

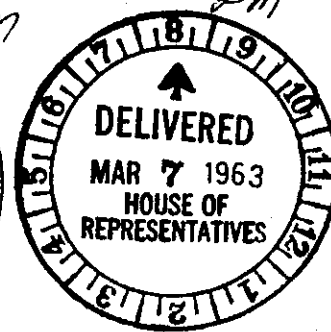
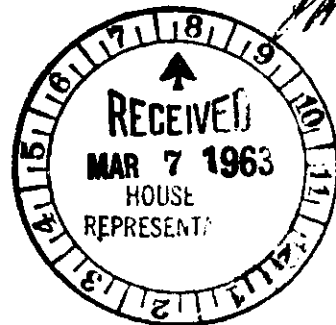
A BILL  
TO BE ENTITLED

AN ACT establishing the extra-territorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction, and regulation annexation by cities and towns both within and without such extraterritorial jurisdiction; validating existing contracts or agreements; invalidating certain annexations inconsistent with this Act; providing for the dis-annexation of certain areas annexed by cities and towns under certain conditions; providing cities and towns having conflicting claims over annexed territory and persons or firms aggrieved by unlawful annexation may seek a declaration of lawful jurisdiction over same under the Uniform Declaratory Judgment Act; amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that the provisions of this Act shall be cumulative of all laws and parts of laws relating to this subject; providing for severability; providing for annexations in litigation; and declaring an emergency.

FILED JAN 1 8 1963  
JAN 21 1963

READ 1ST TIME  
AND REFERRED TO COMMITTEE ON  
*Municipal Government*  
6 1963 REPORTED FAVORABLY AS AMENDED

MA 6 1963 SENT TO PRINTER  
MAR 20 1963 RETURNED FROM PRINTER, SENT TO SPEAKER



MAR 21 1963 READ SECOND

TIME *Alvaredo* AND

ORDERED ENGROSSED, by

*vote 131 yeas, 14 nays.*

*Dorothy Hallman*

MAR 7 1963 RETURNED FROM PRINTER. SENT TO SPEAKER  
Clerk, House of Representatives

MAR 20 1963

*Post-poned to 3-21-63,  
at 11:00 A.M.*

*Dorothy Hallman*

Chief Clerk, House of Representatives

MAR 21 1963

MOTION TO RECONSIDER THE VOTE  
WHICH *HB #13* *was engrossed* WAS  
ADOPTED / ~~PAUSED~~ AND TO TABLE THE MOTION TO RECON-  
SIDER PREVAILED ~~PAUSED~~ BY A *Non-record* VOTE

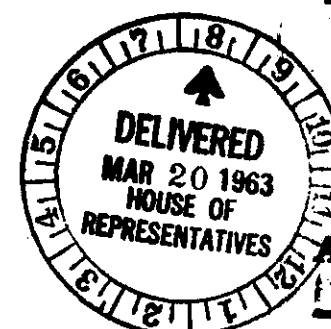
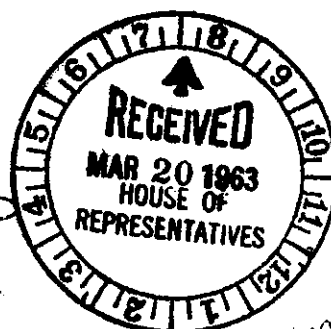
*Dorothy Hallman*  
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAR 21 1963 SENT TO ENGROSSING CLERK

Caption amended to conform to body of  
bill under authority of Rule IV, Sec. 5,  
Rules of the House of Representatives.

*3/21/63*  
(Date)

*Dora Luffin*  
(Engrossing and Enrolling  
Clerk)



APPROVED

(Author)

ENROLLED 4-29-63  
Em. Clerk

By: Grover

H. B. No. 13

A BILL TO BE ENTITLED

AN ACT

establishing the extraterritorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction, and regulating annexation by cities and towns both within and without such extraterritorial jurisdiction; invalidating certain annexation; prescribing certain limitations on and procedures concerning the incorporation of cities and creation of political subdivisions within extraterritorial areas and the furnishing of certain services within such areas; . . . etc.; and declaring an emergency.

1-18-63 Filed.  
1-21-63 Read first time and referred to Committee on Municipal and Private Corporations.  
3- 6-63 Reported favorably as amended, sent to printer.  
3- 7-63 Returned from printer, sent to Speaker.  
3-20-63 Postponed to 3-21-63 at 11:00 a.m.  
3-20-63 Sent to printer.  
3-20-63 Returned from printer, sent to Speaker.  
3-21-63 Read second time, amended and ordered engrossed by the following vote: Yeas 131, Nays 14.  
Dorothy Hallman  
Chief Clerk, H. of R.  
3-21-63 Sent to Engrossing Clerk.  
3-21-63 Engrossed.

MAR 25 1963

Cora Suppiger  
Engrossing Clerk, H. of R.

**IN THE SENATE**

Received from  
the House.

MAR 25 1963 RETURNED FROM ENGROSSING CLERK

MAR 25 1963

Read first time  
and referred to Committee  
on Counties, Cities & Towns

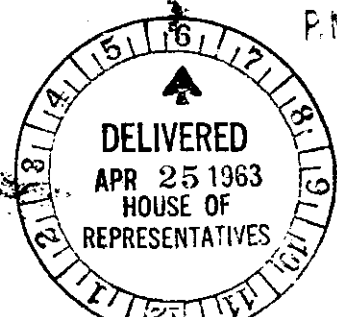
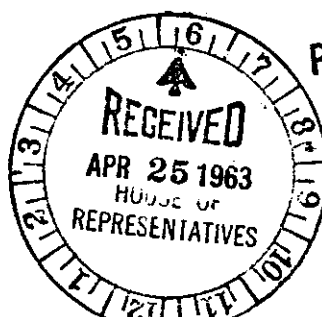
MAR 25 1963 Read third time  
and Passed  
non-read  
by following vote

None  
Dorothy Hallman  
Chief Clerk  
HOUSE OF REPRESENTATIVES

APR 16 1963

REPORTED ADVERSELY, WITH  
FAVORABLE COMMITTEE SUBSTITUTE.  
COMMITTEE SUBSTITUTE READ 1ST TIME.

MAR 25 1963 SENT TO THE SENATE



APR 25 1963

Laid out,  
READ SECOND TIME, amended  
AND PASSED TO THIRD READING.

APR 25 1963

Amend caption to conform to body of bill.

APR 25 1963

Senate Rule 32 and Constitutional Rule (Sec. 32, Art. III) suspended by a vote of 25 yeas, 5 nays, to place bill on third reading and final passage.

APR 25 1963

READ THIRD TIME AND PASSED BY A VIVA-VOCE VOTE

Charles Schnabel  
Secretary of the Senate.

APR 25 1963 SENT TO HOUSE.

APR 25 1963

RETURNED FROM SENATE

Dorothy Hallman  
Chief Clerk, House of Representatives

APR 25 1963

SENT TO PRINTER

APR 25 1963

RETURNED FROM PRINTER, SENT TO SPEAKER

APR 29 1963

The House has concurred in Senate amendments to House Bill No. 13 by vote of Record yeas, 1 nays.

Dorothy Hallman  
Chief Clerk, House of Representatives

APR 29 1963

MOTION TO RECONSIDER THE VOTE BY WHICH House concurred WAS ADOPTED / ~~PASSED~~ AND TO TABLE IT MOTION TO RECONSIDER PREVAILED PASSED BY A non-Record VOTE OF YEAS AND NAYS  
Dorothy Hallman  
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 29 1963 SENT TO ENROLLING CLERK